

4

A while after ~~that~~ that,

~~conversation, and he went out and got in his car and left
for Chicago and was gone for five years.~~

Gaylen came ~~home with a wife,~~ back to Portland with his wife,

~~He called in November and said, "Mother, this is the
first time I've been away from you at Thanksgiving and I wish
I was there." Boss said, "If I send the money will you come?"
He said he would, but he didn't.~~

~~Years later,~~

~~Years later, he came back with Janet, his wife, and he said~~

he

was sick with a bleeding ulcer. Bess and Grace didn't know that it was not an ulcer but a wound. He had been stabbed with an ice pick. They said they were going to take him down to see Gary for a visit--he hadn't seen Gary for years--and Gaylen said, "I'm hung over." Bessie said, "What did you do to get so drunk last night?" He told her it was the anniversary of Harry Houdini's death, and he always celebrated that.

One night, close after midnight, Janet called. Gaylen was very ill, and they had no money for a cab. Would Grace take him to the hospital. So Grace went out to the motel where Gaylen was living with Janet, and they went from there to the hospital in Milwaukie. He could not get admitted. He had neither a welfare card nor a doctor.

people at that hospital

They suggested he be taken to Oregon City Hospital up on the hill. There, they were told again that he had neither

795

a welfare card nor a doctor. It was now about 2 in the morning, and the next hospital also said no. Grace said she would sign for his treatment, whatever it cost, ^{but} ~~and~~ the hospital said he did not have a doctor.

Later, Grace learned it was illegal to refuse them. Now they just went to the only place Grace believed could not turn them away, the Oregon Medical School Emergency Hospital. It was a quarter to three. Grace thought: This boy is going to die in the back seat of my car.

At the Medical School they were told that they would have to wait, and my God, they sat there until a quarter after five. Nobody came to see them. Gaylen, by now, was in considerable pain. In that pain, he stood up and told the women he would wait no longer, and he started to walk home by himself. They were obliged to get up and drive away with him. Grace said goodbye at the motel. Grace said, Call me if I can help you, and she went home thinking they could lay her out next to a basket case and little to choose.

A day later, Grace got a letter from Gary. There was \$50 in it as partial payment for \$100 she had advanced him to get a new set of teeth, but the rest of the letter was terrifying to her. His hatred for the prison seemed uncontrollable. He

796

spoke of violence in a way she could not comprehend, for it was altogether outside every conversation or understanding they had ever had of each other.

At this point, Grace said to herself, "I only have so much energy. I have children and grand^Dchildren. I can't carry this. I can't keep up with the pull in all these directions. I am a devout coward."

She called Bessie and said with all the love in the world, and I will not stop the way I feel for you, I just have to pull out.

Bessie understood. There was no bad-mouthing. Grace just very gently pulled out, and that was it. She never saw any of them again.

Later she heard that Gaylen had died, and that Bessie took on the costs of two guards bringing Gary to the funeral. The guards were decent and dressed in regular clothes and stood way back. Nobody knew Gary was in custody. Afterward, Bessie went over personally and paid the guards while she was thanking them.

797

VIII THE SHADOWS OF THE DREAM

1

October 7th

Angel Nicole.

I'm at the joint now. Just got here. I seem to be in the hole. A single cell with a fucked up mattress, no pillow and somebody else's dirty paper plates on the floor. . . They gave me a pair of white coveralls to wear and I hate to wear coveralls. Too tite in the crotch.

October 8th

This mornin they brought me a pillow. . Wow! I'm shittin in tall cotton now!

I was given a brief rundown on the place by a lieutenant and a caseworker. I asked them about visits and they said that you would be able to see me. Even though we are not

798

legally married you will be able to visit me. One hour a week
on Friday morning between 9 and 11 o'clock. Listed you on
the visiting form as NICOLE GILMORE (BARRETT) and under "Re-
lationship" I put common law wife--fiancee. I would like you
to use my name but of course your identification says Barrett--
and they will probably ask you for I.D.

I had a phone call from my mother. She was crying at
first but when I got thru talkin to her I could feel her smile
a little. Just a little. She can't walk now, she told me,
she can move across the room I guess, but thats about it. She
hadn't told me this before but I sort of knew. She could
hardly walk the last time I seen her and that was in Dec. '74.

Well, I'm listening again to the noises that I have grown
to hate. The noise of men who are locked up 24 hrs. a day. Its
not the men I hate, its the noise that these conditions create,
the noise of frustration, boredom beyond belief, anger, insanity
--"Dark thoughts of mayhem on a dull steel nite..."

October 9th

I don't know if I've told you of my feelings of the Civil
War before--I probably have. You won't be surprised anyway to

799

know that all of my sympathies lie with the South. And it
as strong a pull as that I feel for the Emerald Isle.

Right or Wrong, they Believed--toward the end that's all
they had to fight on; belief and courage. They were out of
supplies--out of food and ammunition and the things it takes
to fight a war. But they almost won. They came within a
hair of winning that most bloody of wars.

"When Honest Abe heard the news about your fall,
The folks thot he'd throw a great victory ball,
But he asked the band to play Dixie, for you
Johnny Reb--and for all that you believed--
Your fought all the way Johnny Reb, Johnny Reb,
You fought all the way."

Oh well, its one of the things in history that appeal to
me, like also the Alamo.

What is to become of us Nicole? I know you wonder. And
the answer is simply: By love. . .we can become more than
the situation.

Nicole my inclination is to let them execute me. If I
were to drop the appeals they would be forced to either commute
the sentence or carry it out. I don't think they would commute it.

800

The decision is not really mine alone to make. I cannot ask you to commit suicide. I thot at one time that I could but I can't. If I am executed and you do commit suicide well to be simply honest I guess that is what I would want.

But Im not going to put it on you by asking you to do that.

October 11

I wrote to my mother Friday after she called me here. I have never before spoken to my mother in the way that I talked to her two days ago. Although the feeling between my mom and I runs deep it has always been expressed in surface tones. Anyhow, I told my mom of the love you and I have for each other. I told her that I can't and don't want to, explain just what happened that resulted in this. I did tell her that thru a life-time of lonely frustration I have allowed weak bad habits to develop that have left me somewhat evil. That I don't like being evil and that I desire to not be evil anymore.

Oh, Nicole, there comes a time where a person must have the courage of their convictions. You know I've spent about

801

18 years of my 35 locked up. I've hated every moment of it
but I've never cried about it. I never will. But I am tired
of it, Nicole. I hate the routine, I hate the noise, I hate
the guards, I hate the hopelessness it makes me feel, that
anything and everything I do is just to pass the time. Prison
maybe affects me more than most people. It drains me. Every-
time I've been locked up I guess I've felt so hopeless about
it that I've allowed myself to sink so fully into it that, well,
its resulted in me spending more time in jail than I've probably
had to. If that makes sense.

You are a very strong girl, a very strong soul. You know
that, and you know that I know it. You had to get that strength
somewhere, you're not simply born with it. I mean you can
bring it from an earlier life, but you had to originally earn
it by overcoming something hard. We are only stronger than the
things we overcome.

~~October 12+1~~

~~"My bills are all due and the babies need shoes"~~

~~And I'm busted.~~

~~Cotton is down to a quarter a pound~~

~~And I'm busted.~~

802

Got a cow that went dry and a hen that won't lay
A big stack of bills that get bigger each day
The county will haul my belongings away
I'm busted.
I went to my brother to ask for a loan
I was busted.
How I hate to beg like a dog for a bone
but I'm busted.
My brother said "There ain't a thing I can do
My wife and nineteen kids are all down with the flue,
And I was just thinkin of callin on you--
I'm busted "

Oct. 13

The bravest people are those who've overcome the greatest
amounts of fear.

I just hate fear. I think that fear is sort of a sin in
a way. . .

I may shortly, next month, be faced with more fear than
I've ever known before. . . I can't say what I will feel when
and if that time comes. . . I sort of feel that all my life
has been building to this.

803

October 15th

The guard just brought the canteen back and I asked him about my letters--he said that I couldn't have 'em, not right now anyhow--he said the lieutenant opened one of them and read it and decided there was too much 'bitterness' in it so he sent them all over to the warden--I might get them next week and I might not. Don't they know that they are making me feel bitter and bad by holding up my mail?! I wish I could explain to you the way these people think--they think they have to interfere and know everything.

If you come to see me and they won't let you in, go to the Warden, his name is Sam Smith. Don't argue or get angry with him--people in his position don't have to listen to arguments, they are a power unto themselves, just explain that we are engaged to be married and that the visits, and our letters, mean an awful lot to both of us.

Now they don't want me to be upset. But they take my mail-----Whew!

~~It's a dull motherfucker. I ain't got no conversation. All these two mexicans talk about is pimpin bitches and how sharp they are. Little greaseball turds. I've heard all~~

804

~~this conversation for years--it never varies from penitentiary to penitentiary. Pure bullshit--essence of bullshit.~~

~~I'm not saying its right to break the law. I'm not talkin about that--but these prisons as they exist are wrong.~~

October 17th

I ain't had a nite's sleep since I been here. They keep the lites on outside the bars 24 hrs. a day. I hang my towel up at nite to shut out some of the lite and they wake me up when they count and threaten to take my fuckin mattress if I don't take the towel down. It's insane.

2

~~Katherine~~ ^{RYND} was in a state about Nicole. Things were bad enough when Gary was at the county jail, but then Nicole was just going from Springville to Provo. Now, it was different. Hitchhiking to the prison ^{state} ~~to the prison~~ ^{was a} ~~through Pleasant Grove,~~ ^{HOW MANY MILE} ~~and she would often leave the kids with Katherine and stop off~~ ^{TRIP.} ~~for them on her way back.~~

~~Katherine~~ ^{RYND} tried to talk about Gary, but it wasn't very successful. "How's he seem?" ^{RYND} ~~Katherine~~ would ask, and Nicole

805

would answer, "How? How could he seem?" Then, Kath~~erine~~^{ryne} found out through Kathy, her sister, that Gary had been laying a lot of special stuff on Nicole. He was telling her he wanted to die. Nicole was very quiet about this and sometimes would say she wanted Gary to have what he wanted. Kath~~erine~~^{ryne} really got scared when Nicole said that her kids would be better off with her mother-in-law, Marie Barrett.

They got into a big fight over that. Kath~~erine~~^{ryne} said a lot of mean things she didn't even feel. To begin with, she was afraid of hitchhiking, so ^{she} got on Nicole's ass over that. Of course, it was just the beginning. "Look," Kath~~erine~~^{ryne} would say, "he's no good. He's nothing but a damned killer and he deserves the death penalty. No," she would correct herself, "that's too good for him."

Start
~~"You don't understand him," Nicole would say. "No."~~
~~Kath^{ryne}erine says, "I don't, but try to let me try to understand~~
~~those two poor women. Why don't you think of saving those little~~
~~kids who don't have a father home. Have you are running up~~
~~every week and try to try to see that damned killer."~~

Kath~~erine~~^{ryne} wasn't really feeling as angry at Gary as she pretended. She thought Gary was out of it. Secretly, she might ^{have} even feel^{it} bad for him, but she wasn't about to let Nicole know.

806

Kath~~erine~~^{RYNB} was scared. She knew the more afraid you were, the faster you had to act tough and mean. She just had to find a way to stop Nicole from going up to the prison. All Kath~~erine~~^{RY} could see for the future was that when they executed Gary, Nicole was going to go to pieces.

It was one big argument. At the end, Nicole was yelling and hollering. That, at least, was better than silence. Finally, she said, as she always did, "I don't want to hear a goddamned thing you got to say." "You bet you don't want to hear it," said Kath~~erine~~^{RYNB}. "Only why don't you have a little compassion for the people who really have it coming to them, like those two women ~~and those little kids who don't have a father.~~" That was fine, wasn't it," Katherine said. "You can just go and blow a man's head off. That's just fine." "I don't care," said Nicole, "what he's done."

"Oh, Nicole, why, why?" asked Kath~~erine~~^{RYNB} "Why in the hell are you going up there?"

"Because he has nobody else. I'll go there every single day until they execute him. In fact," said Nicole, "I'll go up there and I'll watch it."

"How could you?" shrieked Kath~~erine~~^{RYNB}.

The quarrel came down to simpler stuff, and they both got quiet. "Well, if you need a ride," said Kath~~erine~~^{RYNB}, "for Christ's sake, if you need to get up there, why don't you call one of us." "Well, you work," said Nicole, "and I don't

807

012
want to bother you." "Dammit," said Katherine, "it don't make
any difference if I'm working. I can take you up, or my
mother will take you up, or Kathy." Kathy was there and said,
"Yes, I'll take you." "Yeah," said Katherine, "dammit, don't
be hitchhiking." "Well," said Nicole, "I don't want to waste
the time to drop off here."

27
~~Even Mr. Overman for whom Katherine was working, went
to the prison once and took Nicole back, even he told her,
"Listen, girl, I don't want you hitchhiking. If you need a ride,
call us here at work. It don't matter if you want to go at
eight o'clock in the morning. Even if your mother's working,
she can take off and go with you. I don't like hitchhiking, and
it worries your mother." Nicole just laughed. She said, "Oh,
you all worry too much," but she never did call. Katherine was
worried all the time.~~

808

3

October 18th

It's a Goddam shame they just don't give me my mail.
Fucks me up! It's so easy to get in trouble in these places
behind shit like this. If I get pissed off and say anything
I am automatically in the wrong--whether I'm right or wrong.

Well, I guess nobody ever said it had to be fair.

I explained to the lieutenant that if there was any
"bitterness" in your letter in that it was pretty understandable
in view of the sentence I just got. He seemed to understand
that. But he told me that it would be best if you mailed your
letters from now on. He also said we gonna have to cool it a
little with the "love-makin" in the visitin room. I told him
we was just glad to see each other (an understatement). He
said he can understand that--he's human, too, I didn't know,
but rules are rules and he don't wanna have to warn us too many
times.

Here's some verses from The Sensitive Plant. It's by
Percy Bysshe Shelley.

809

And the leaves, brown, yellow and gray, and red
and white with the whiteness of what is dead,
like troops of ghosts on the dry wind passed;
Their whistling noise made the birds aghast.

I dare not guess; but in this life
Of error, ignorance, and strife,
Where nothing is, but all things seem,
And we the shadows of the dream.

October 19th

Fucks me up about that motherfuckin Hawiian and that
other motherfucker - that ex-con. I ain't got anything
against Sue but you said in one of your letters that she's
always tryin to get you to go out with her boyfriend's boy-
friend and that fucking Hawiian probably came over because
of Sue. I don't know why you even let that Hawaiian even stay
in your house that long -- Jesus, baby, fuck that. Just make
it clear to the motherfucker that he's gotta go. And I wish
you'd make it clear to Sue that you don't need boyfriends.

You don't have to let some asshole set in your living
room while he's waitin for his friend to come get him -- let
him go sit in the gutter.

810

The reason you couldn't find that word in the dictionary
is because you read it wrong -- or I didn't write it right --
anyhow it's TAUTOLOGIC not TANTOLOGIC. Look again.

I've considered outright asking you to commit suicide.
I've thot of telling you that I would assume all the debt, if
there were any to be paid if you did commit suicide. I would if
I could. But how can I make an offer like that when I don't
know what it would cause if you were to do that. Angel, are
we now being given a chance to relive something that we've
fucked up in an earlier life???

That could as easily be what is happening as anything
else.

Look, I've told you I ain't much afraid about any of
this--well, I am afraid of making the wrong choice. I'm
afraid of hurting us. I don't want to hurt US.

~~October 2001~~

Fuck me in your mind and in your dreams Angel come to
me and wrap it around me warm and wet and hot and sticky and
sweet and take my cock in your mouth and in your cunt and in

811

~~in your bootie and lay on me and lay under me and lay beside me with your head so close and your pretty legs so high and bite around me and put your cunt in my mouth for me to kiss and lick and probe and suck and love and feel you explode and moan and sigh and run wet and warm into my mouth.~~

Sue was seeing all the changes in Nicole. In the beginning, When Gary had first been at the county jail, Nicole had really wanted to go out with guys. Maybe she was in love with Gary, as she said, but she was also enjoying that Barrett wasn't on her, Gary wasn't on her, Joe Bob wasn't, nobody. She and Sue started going out together. Sometimes they'd bring a couple of guys home. ~~After Gary had the baby, they used to party at Nicole's house.~~

Then it started. Nicole didn't want to see guys any more. After the trial, Nicole would sit and read letters all night long. ~~OR It was funny. Even though she wouldn't date fellows any more, sometimes a couple of fellows would come along with Sue, but harmless. They would just sit there talking. When Nicole wanted to write her letters to Gary, she wouldn't talk any more. She would just sit in the company but leave them by themselves. The girl was constantly writing. That impressed Sue Baker. Constantly writing. One time the prison~~

812

~~stopped his letters from coming out to him. He wouldn't let
him go in. Nicole was disgusted. Kept writing anyway.~~

Sometimes Sue would even see her writing at four or five in
the morning. She couldn't stop. It was like smoking.

~~Sometimes Nicole would laugh at the funny things in
his letters. Some would make her cry. She would try not
to let Sue know she was crying, but you could see her reading
with red eyes. Some tears would come down her cheeks. Then
she would just sit up, stop crying, and go on with her letter.~~

A couple of weeks after he was at the prison, Nicole
became really excited. "Yes," she said to Sue, "he's not going
to fight it. He wants to die. He's going to die." Sue started
to say what she thought of that and Nicole said, "If he wants
to die, he's got the right." From that point on, you couldn't
tell Nicole otherwise.

One day, hearing Sue talk about her Valiums, ~~of which~~
~~Sue had one hundred of in my wash,~~ Nicole asked, "How many
would you take if you wanted to kill yourself?" Just asked
it one night while sitting around, calmly as all hell. Sue
never thought nothing of it. Just said, "Well, I don't know."

813

I don't wish to try, so I don't know." Sue never gave it any thought, but as the days went by, and Nicole got moodier and moodier, Sue began to worry now and again.

October 20

I am reminded constantly of the almost awesome unreal situation we are in. I have to accept it--I have no choice--you choose to accept it. You amaze me, the utter strength and beauty you show. It would be so easy for me to die; I have but to fire those two idiot lawyers drop all appeals walk out of here Monday Nov. 15 at 8 AM and quickly and easily be shot to death. If you choose to join me it would be much harder for you would have to do it yourself by whatever means you decide on: sleepin pills, gun, razor blade whatever--it would have to be by your own hand--and that's hard, I know. I'm also not blind to the fact that you believe a heavy debt is incurred when a person commits suicide. I'm also not unaware of Sunny and Peabody. Oh, Jesus! There's no reason why you should acquire a debt that I may not if I am simply shot to death. Baby I'm not asking or tell^{ing} you to go with me. I just can't do that. But I've told you that's what I want--if that's a contradiction well, I can't help it. I'm just trying to be honest.

814

October 21

I've felt fucked up and shitty all day. Depressed.
Down. This fuckin cell is too small.

When I was a little kid I used to sing all the time.
I'd go down to Johnson Creek, this was in Portland--and this
was a real neat creek, all woods and swimmin holes where I
used to swim naked and when I was alone I'd sing my little
ass off!

October 22

Oh Baby. You said in your letter that sometimes you
can't feel my love. Baby it's there! It's there every second,
every moment, every hour of every day. I send it all to you--

I want to give you all that I am. I want you to know
all of me. Even the things that I don't particularly like
about myself and have always sort of hidden or altered,
changed a little, in my own mind so they wouldn't seem so bal--
I would willingly show to you

...Goddam, this is a noisy place. Some fool ass fool is
in the background screaming, screaming for no other reason
than to scream. I'd like to put one of my size 11's right in his
ass. This is football season and there seems to be a game on

815

every nite. I hate football and I hate to listen to these
nuts screechin everytime some sonofabitch gains a couple yards.

Well, fuck that. I just never was one to make a lot
of noise and I can't understand how other dudes can make all
that noise all day and nite. I don't even like to talk from
these cells -- it's weird carryin on a conversation with some-
one you can't see -- think of a whole gang of motherfuckers
locked in cells all day and nite and about 10 different conver-
sations going on at once -- some of them clear from one end of
the building to the other.

I was hopin' it would stay quiet in here for a while. But
it never does. These doors, Jesus, how they clang and bang. The
motherfuckin' TV blasts all day. I hear those guys all day
long takin' votes about what to watch -- it takes five or ten
minutes -- some fool reads the whole TV Guide hourly, loud as
he can, then they vote on each idiotic show. Insane. The Boob
Tube, meant to provide entertainment and that's why I use
that word insane.

Well, you know I've done a lot of time -- and it ain't
never been any different than it is now.

October 23

I woke up and I had been dreaming about the Silver Dollar.
I hate that place. I felt so much hatred for that place in my

816

dream. I want to take dynamite and blow it off the map. It's just a feeling, I don't have areasons, my dream wasn't un-pleasant or anything. There is just in me a heavy hatred for the Silver Dollar. An urge to destroy it and everybody in it.

Strange and curious.

Cause I feel I should hate that place.

Nicole wrote Gary about a girl hitch-hiker who was raped and then knifed 20 or 30 times by some creep in a white van who picked her up hitch-hiking. The papers were full of the dangers of hitch-hiking. She wrote that she wasn't afraid of that creep or any other. If she was ever in such a situation, nobody was going to make it with her body, unless she was not in it. She would fight to that extreme, before she would let it happen.

He didn't say very much in reply and Nicole was glad because she didn't want to talk about it either. She realized it was her way of trying to apologize for the last time with the ex-president of the Sundowners.

Sometimes while hitchhiking, she would have a flash on her death. In her mind she would see the car she was in jumping off the freeway. She would wonder then what would happen in the next moment when she was dead. The thought was like an

817

echo, and she would keep seeing the car going off the freeway. In her head she kept repeating that moment of being alive for the last second. Then she would feel the fear that death might be a mistake. What if in that last moment, just as it was happening, she realized that it was truly a mistake? That was the only fear she had, that she might not have the right to die. She knew if she didn't commit suicide it would come from this fear.

Now in her visits, Gary began to talk about pills and how one faded out under them. It was peaceful, he said, and not at all like the nausea she had felt, and the cold, and the lost blood in the tunnel. Pills were peaceful and gentle.

She still didn't know if it was okay to die. All through this month, she couldn't come to a decision. She thought about it a long time and went back and forth in her mind about the kids, and finally decided she would do it rather than be without him. So sooner or later she would have to take a shot at it. That was cool.

Of course, Gary kept writing to her and talking about it, and talking about the kids and the problem of the kids. A couple of times she even got mad because he kept pushing the subject. She told him to stop talking about it. Then he would get apologetic and say that he was only expressing how

818

he felt. But his talking about it would get her wondering if she really wanted to go ahead.

4

Gary woke up in a panic he later described as "pure paranoia" and sent word to the Mormon Chaplain in the prison, Cline Campbell, that he had to see him. Campbell came by a little later, and Gary told him of a dream he had. Nicole was hitchhiking and the driver started to molest her. It was crucial that he see her today. Would Campbell pick her up and bring her to the prison? Campbell would.

The first time Campbell had paid a visit to Gary, he informed him that Nicole used to be his student in seminary class not so many years ago. He had spent hours counselling her at Pleasant Grove High School. The news seemed to go right into Gary. After that, they got along. In face, ⁺they _h shared a few ideas.

Campbell had first heard of Gary Gilmore on driving home from the prison one hot day in July. There was an on-the-spot

819

radio announcement that two men had been murdered in Provo, and a former convict had been arrested whose name was Gary Gilmore. Campbell said to himself, "Well, in not too long, I'm going to have this man to counsel." The fact that the two boys who were killed had been ~~the~~ ^{Mormon} naturally made Campbell prick up his ears a little more.

It also kicked off Campbell's number one disgust with the prison system. It was a complete socialist way of life. No wonder that Gilmore had gotten into trouble. He'd been twelve years in prison, and for twelve years they had told him when to go to bed and when to eat, what to wear and when he had to get up. It was absolutely diametrically opposed to the capitalist environment, thought Campbell. Then one day they put the convict out the front door, tell him okay, today is magic, at 2:00 o'clock you are a capitalist. Now, you do everything on your own. You get out, find a job, get up by yourself, report to work on time, manage your money, pay your own end, do every one of these things you were taught not to do in prison. Guaranteed to fail. No wonder 80% went back to jail.

So he was curious about Gilmore. Looked forward to counselling him. Took the first opportunity, in fact, a few

820

days after the man came to the prison. One evening Campbell just walked into his cell and said, "I'm the Chaplain, my name's Cline Campbell."

Gilmore was dressed in the white clothing they wore in maximum detention, and he was sitting on his bunk and drawing. He had a pencil in his hand and a half-finished pencil portrait before him.

What came to Campbell's mind was that he was dealing with a constructive person, a guy who wouldn't waste his time. Gilmore, however, didn't seem to care one way or the other about the interruption. He got up, shook hands, said he was happy to meet Campbell.

After the first meeting, they got along fine, and Campbell saw him often. Before Gilmore, he had never been involved with counselling a person who was going to be executed. The men on death row were always there, and Campbell had chatted with them, joked with them, but he had not had serious counselling sessions. Those men were not close to being executed--their appeals had gone on for years--and the conditions were depraved. All of maximum was a zoo.

Off the main hall were the units. Each unit had three tiers of five cells facing three tiers of five cells. Each prisoner had a full view therefore of every prisoner he faced.

821

Thirty men in each unit, fifteen to a side, five to a tier. Sometimes they all spoke at once. It was a zoo of human and animal cries, and the sound reverberated from the steel and stone as if the sound were incarcerated as well. The echoes crashed into one another like loaded trucks. It was near to living on the inside of an iron intestine.

Most men were in maximum security for three months, no more. The prisoners on death row were there forever. Other men could leave their tier at meal time to go to the cafeteria, or move outside for yard time. On death row, your meals were served in your cell, and you never went to the yard. You could leave your cell for a half hour a day and walk up and down your tier. You could talk to the other men, take out--as Campbell had seen--your god-given penis or invite the other man to stick his through the bars. You could be threatened--and Gilmore was the man to issue such a threat--to get away from the bars, or you would catch a cup of urine in your face. That was exercise on the tier. One man at a time.

Compared with other convicts on death row, Gilmore was relaxed. In fact, Campbell thought he was perfectly relaxed. He marvelled at his ability to relax. His voice was always normal and quiet. The two men became comfortable with each other. Campbell would make a point of going to the kitchen,

822

and bringing him a cup of black coffee each time. Gilmore would greet him, "How you doing, preach?" and grin a little bit.

Sometimes they would talk in Gilmore's cell, but more often Campbell ~~would~~ would have him called out, and they would go into a counsel room in maximum security in order that nobody could overhear their conversation. Several times, after they'd finish, Gilmore would say, "I really appreciate rapping with you. I can't really talk with anybody else here," he'd say.

Once in a while they got into deeper conversations. Gilmore would say, "This is stuff I wouldn't even tell the shrinks," and mentioned a time when he first went to McLaren when a couple of boys held him and he was raped. He hated it, he said, didn't like to talk about it, but he would admit that as he got older, he participated in the same game, only on the other side. "That's horrible," he said, "and I regret it." They nodded. Between them was the old prison saying, "In every wolf is a punk looking for revenge."

Having established this much relationship, it wasn't long before Campbell was ready to ask him about his sentence.

823

Gilmore made a statement Campbell never forgot. He said, "I've been convicted for the murder of one man. In fact, I've killed two. I feel myself responsible. I want to be executed on schedule."

Then Gilmore said, "I want absolutely no notoriety." His voice was emphatic. He told Campbell he didn't want news coverage, TV, radio interviews, nothing. "I just believe I ought to be executed on schedule." Campbell thought it was a little unusual for a man to accept that kind of responsibility.

He said, "Well, that can't be all of your motive for wanting to die, Gary, just responsibility?" Gary answered, "No, I'll be honest with you. I've been in eighteen years and I'm not about to do another twenty. Rather than live in this hole, I'd choose to be dead."

Campbell could understand him. Generally, the LDS Church did believe in the death penalty, and Campbell certainly did. He thought to watch a man become more debased, more hateful, more resentful and mean, both to himself and to others on death row, was absolutely cruel. To him, the man was better off, and would change less, and be more himself after he was executed, than he would right here. It was wiser to pass into the spirit world--and await resurrection. There a man might have a better chance to fight for his cause. In

824

the spirit world he'd be more likely to find assistance than degradation.

Campbell had become a regular advocate of capital punishment because of that. He thought if a man was going to stay on death row for years and years, he could become a very angry person, dangerous to himself and others, whereas if he died, he could go into better circumstances, become in effect a brand new baby.

Campbell had been an LDS missionary in Korea, then a chaplain in the army with an airborne outfit. He taught seminary for six years when he got out. During that time he also worked as a part-time police officer, a weekend cop. He would pick up a patrol car at six on Friday night, and turn it back in on Monday at eight A.M. Since he had grown up out in the boonies on a Utah ranch, he never needed any training in firearms. He had carried a gun as a boy, and got pretty quick with it. From the hip, he could hit a gallon can fifty feet away in a quarter of a second. Grew up thinking of himself as a second Butch Cassidy.

He was not too tall, but he would have considered it on the side of sin not to be in good shape and well-groomed. He

825

stood real straight, shoulders back, and looked like a marksman. He had a patina of finely-machined metal. During those weekends when he used to work as a cop, he was on for 24 hours a day, taking all calls. Of course, it was a small town, and he usually had time to go to church, but he carried a beeper so he could always be contacted and actually made more arrests in Linden City than the other two officers put together since he worked the weekend and had to handle the drunks and fracasos.

The last time he had seen Nicole was on one of those weekends, saw her on the street in Linden at 2:00 o'clock in the morning. He was driving down the road and there she stood hitchhiking. He stopped, said get in the car, what are you doing out here at 2:00 in the morning? It's dangerous.

He had heard she had a child, and now she was loaded on drugs and he had every reason to take her to jail, but she trusted him, and he saw that she got home. He kept thinking of all the times he had counselled her, once a week from five to thirty minutes, and knew what a bad situation she had at home. She had told him once briefly about Uncle Lee. It was a touchy thing, however. He could not really get her to go into it. Sometimes she would sit in his seminary class looking dreamy, and have no idea she was there.

Now, the morning Campbell went over to find Nicole for Gary, she was alone and asleep on the couch and two children

826

were asleep on the floor with a blanket over them. After she kind of combed her hair a little, she let Campbell in. Didn't even know who it was.

Cracked the curtain. Didn't recognize him. He said, "How are you, Nicole, do you remember me?" She looked hard and she said, "Sure, come on in." He said, "I'm Brother Campbell." She said, "Yes, of course, come in." They exchanged a few courtesies, and he told her he'd come to get her because Gary wanted to see her. Could she make some arrangements about the children?

She dropped them off ^{with} her ex-mother-in-law, Mrs. Barrett. On the way out to prison, Campbell discussed with her where she was at, and how she felt about her situation, and she just said to him without any particular ado, that if Gary died, she might go too.

It was quite a remark for Campbell to keep to himself, yet he could hardly turn it in. His life at the prison consisted of holding secrets.

Sometimes a convict would come in to him and say that a particular man was after him. Campbell couldn't go to the warden and discuss what the man had said, even if it was in the

man's interest. The actions taken by the warden would enable other inmates to pick up that the man was snitching. They'd be after him even more.

So Campbell didn't disclose anything unless it was a matter of life and death. Then he would get the man's permission.

Now, even though he knew Gary and Nicole were thinking of suicide, he could not speak. That would only increase the pressure. There'd be a guard sitting in Gilmore's cell every minute after that. He could hardly pretend that his mind was easy, however. It was the quiet way Nicole had discussed it that worried him most of all. Except for those occasions when he was angry, Gary had the most relaxed eyes Campbell had ever seen--they looked at everything with no strain, graceful as a good outfielder sitting under a fly ball he would never fail to catch. Nicole's voice had something of the same. It never stumbled when she told the truth.

5

October 26

Remember the nite we met? I had to have you, not just physically but in all ways, forever--there was a wild wind blowing in my heart that nite.

828

It will remain forever the most beautiful nite of my
life.

I love you more than God. I'm glad you understand the
way I mean that Angel. It still feels a little awkward to
say that. But I mean no offense to anything by a statement
like that. I just love you more than anything--I think God
would smile at that.

In one of your early letters you talk of climbing in my
mouth and sliding down my throat with a strand of your hair
to mend the worn spot in my stomach. You write good.

Last Friday you told me you would like us each to think
of the other at a certain hour of the day, that we might be-
come closer. But I never know what time it is here. I can't
see a clock and I just have a general idea of the time. I
know they feed at about 6 or 7 or so in the morn and about 11
or 12 for lunch and around 4 for dinner but I don't even know
if that's always the same--they might rotate and feed one
section first one day and another--the next.. Fuck, in short
I just don't know what time it is.

Now darlin we come to something that can't be avoided
discussing. The rest of your life. I don't want any man to /love

829

you. I don't want any man to have you in any way but especially I don't want any man to steal any part of your heart.

If I was to look from the other side and see another man with you I can't say right now what I would do.

I believe that I would seek a way to have my soul, my very being, extinguished forever from existence.

If a thing like that is not possible I would consider hurtling my soul into the center of the planet Uranus, that most evil of places, that I might become forever such that I could not change.

October 28

Baby I would love to be able to meditate. I already can to some degree. I do, but not real deeply, you know? Even when it's quiet there's always the expectation of noise. I know you can get the right answer to anything through meditation, but I ain't, because of my surroundings, very deep into it. It's more than the noise, you just can't let yourself go in a place like this - there is an atmosphere of tension, a climate of violence, in prison - all prisons - and it's in the air. Lot of paranoid motherfuckers in these places and they walk around putting out negative, hostile paranoid vibes.

I like it a lot that you meditate. I don't know if I'm too crazy about the automatic writing. I think with things like

830

automatic writing, Ouija boards, it's possible to open doors that are better not opened. I think that there are many lonely lost forlorn spirits seeking an inroad into a human mind. All spirits are not benevolent. Many are merely lonely, but many are malevolent, too.

Baby, if you mess with spirits you must beware. I ain't trying to sound dark and foreboding and I don't know just how I know this as certainly as I do, but I do know that you got to remain in control. You gotta be stronger than the thing that you are communicating with. Weigh carefully the "Messages" you receive, and if after a while you begin to feel a pull, something that ain't right, if it makes you feel sad or strange or in some way not good -- then you should back off. Like about everything else in life, you gotta remain in control. Be strong, don't fear.

Baby, I don't know just what happens when you die except that it will be familiar. It's just an awful strong feeling I have - it's something I've thought of, known really, for years. The thing about dying is that you gotta remain in control. Don't be sidetracked by lonely forlorn spirits who call to you as you pass by -- they may even reach and clutch.

Whenever this does occur to us we must each keep the other in mind. Somehow, Angel eyes, this is one of those things

831

that I KNOW. When you die you will be free as never before
in life --- be able to travel at a tremendous speed just
by thinking of some place you will be there. It's a natural
thing and you adjust -- it's just consciousness unencumbered
by body.

Hey, this guy next door to me lets the goddamdest farts
I've ever heard. I thot that Gibbs was a fartin motherfucker -
but he don't hold a candle to this fool! Loud, harsh, rumbling,
angry sounding farts -- Never heard nothin like it. Sounds
worse than startin a lawn mower.

6

Snyder and Esplin had a couple of post-mortems with
Noall Wootton over the case. They would run into each other
in the corridors of the courthouse or in the coffee shop, and
on such occasions would go over questions they each had on
the other side's strategy. Having won, Wootton did needle
them just a little, but he wasn't too bad about it. The worst
of his tone went: "Are you sure you suckers got all the
cooperation you could from your client?" There were a few

832

things Wootton did want to find out. He said, "I know exactly what I would have done with this case and I wondered why you didn't do it?" They told him. Gary wouldn't let them. Wootton said, "Why in Christ didn't you put his girlfriend up there?" "He wouldn't let us," they said. They agreed it was quite a question. As long as a defendant was sane and competent, he probably had the right to run his own defense.

For the last couple of weeks, since Gary had been up at Utah State Prison, Snyder and Esplin had had little communication there. They talked to him on the phone a couple of times about practical matters, and made arrangements for Nicole to be able to see him, but they didn't actually go up themselves until two or three days before the appeal hearing coming up on November 1. It was a fairly good arrangement that day, however, with face to face contact in the visitor's room at maximum. Enough space to pace the floor, maybe 15 x 20 feet.

They felt as if they were coming as the bearers of good tidings. They now thought their chances of getting the death sentence reduced to life were pretty nimble. Number one, as they laid it out for him, the Utah Statute did not provide for mandatory review of a death sentence. Probably, it was constitutionally defective, and that criticism, "constitutionally defective" was as about as strong as you could get in such

833

areas of the law. The Utah Statute was almost certainly going to be overthrown by the US Supreme Court. So it was their belief that the Utah Supreme Court would now be very hesitant about enforcing a death sentence on November 15th. They would certainly look bad if shortly thereafter the Supreme Court was going to come down against them.

Then they had another good legal vein to work. Judge Bullock had admitted evidence of the Orem murder during the Mitigation Hearing. That had to have a big effect on the deliberations of the jury. It certainly was a lot harder to think of giving a man life if you heard in the courtroom about another murder he had committed. Snyder and Esplin were feeling optimistic. They indicated to Gary that the brunt of their defense had been to maneuver into these good appeal grounds. In fact, they were a little excited. Some of this would be brand new legal stuff for Utah County.

Gary listened. Then he said, "I've been here for three weeks and I don't know that I want to live here for the rest of my life." He shook his head. "I came with the idea that maybe I could work it out, but the lights are on 24 hours a day and the noise is too much for me."

They still kept talking about their grounds for appeal. Wootton had made some comments about Debby Bushnell in his

834

closing argument that could easily be called prejudicial to Gary. The prospects were good, even excellent.

Gary listened, and he paced back and forth, and looked a little nervous. He repeated the problem he felt with living in maximum. The lights. The noise. Finally, he said quietly, "Can I fire you?"

They replied that they guessed he could. However, they said, they thought they might go ahead with the appeal anyway because it was their duty.

They looked so crestfallen that Gilmore said, "Now, don't I have the right to die? Can't I accept my punishment?" He stared at them. "You've given it to me, you know," by which they understood that he was including them in the forces of his prosecution.

Now Gary sat down and told them of his belief that he had been executed once before in 18th century England. He said, "I feel that I've been here in this situation before. There is some crime from my past." He got quiet and said, "I feel I have to atone again for that thing I did then." Esplin couldn't help thinking that this stuff about Eighteenth Century England

835

would sure have made a difference with the psychiatrists if they had known it earlier.

Gilmore now began to tell them that his life wouldn't end with this life, that he would still be in existence after he was dead. It was all talked about quietly as part of a logical discussion. Esplin finally said, "Gary, we can see your point of view, but we still feel an obligation as your court appointed counsel to go ahead and file that appeal." Gary said, "Well, he could understand, and they parted on pretty good terms.

Deseret News

Houdini Didn't Show

Nov. 1. . .Halloween was a disappointment to groups trying to make contact with the spirit of escape artist Harry Houdini who died on Halloween 50 years ago.

Several magicians gathered Sunday in the Detroit hospital room where Houdini died, hoping for a message from the master. All they got on a video tape machine brought to record the event was interference from a local rock station.

"It's not even very good music." said one magician.

836

Deseret News

Slayer Wants To Keep Death Date

Provo (AP) Nov. 1--Unless he changes his mind and appeals, or the courts and the governor intervene, a 35-year-old parolee convicted of murdering a hotel clerk will keep his Nov. 15 execution date.

"It's my own decision. I was not influenced by anything but the fact that I didn't want to spend the rest of my life in jail," Gary Mark Gilmore told 4th District Court Judge Bullock.

"You sentenced me to die. Unless it's a joke or something, I want to go ahead and do it," Gilmore said yesterday.

Bullock told Gilmore he could still change his mind and appeal, and an attorney for Gilmore said he would prepare appeal papers just in case Gilmore decides to appeal.

837

IX OLD CANCER, NEW MADNESS

1.

On the first day of November, after Bessie heard the news, after all the phone calls came in from friends, after it was clear that there was a real possibility Gary wanted to die, and very well could die, Bessie began to hear echoes again. The past rang in Bessie's ear, the past reverberated in Bessie's head. Steel bars slammed into stone.

"The fool," Mikal screamed at her. "Doesn't he know that he's in Utah? They will kill him, if he pushes it." She tried to calm her youngest son, and all the while she was thinking that from the time Gary was three years old, she knew he was going to be executed. He had been a dear little guy, but she had lived with that fear since he was three. That was when he began to show a side she could not go near. He had a far-off mind of his own.

~~* Pp. 975A-975B have been so numbered to cover the error in pagination earlier in the MS. Note: has been 150 or 200 pages from the end.~~

838

One time, at her mother's house, in that endless year when Frank was away in the Colorado jail, she sat in the house and watched Gary play in the yard. There was a mud puddle and she had told him not to go near. He waited till she left. Then he walked over and sat down in the middle.

That put a fear through her. It changed her day, and it changed her week. Would he always be so defiant?

Now, the walls of the trailer closed in again. Somebody asked her once if it had been difficult to learn to live in the trailer after all those years in the house with the swing-around drive, and she said no, not difficult at all. That was because she had never lived in the trailer, but died the day she moved in.

It was an ugly place, and she hated ugly places. Her health started down. She had only, she thought, inherited enough art from Uncle George, the artist, to know how to decorate a house, but she had managed to decorate that last house. It had been nice. ^Now, she lived in a narrow room, and her arthritis got worse as she sat through the days and years at a table in the kitchen end of the trailer with the radio stacked on the telephone books and the sore bones of her pelvis installed on a pillow.

All the decor was brown. It was one poverty-brown put next to another. Even the ice-box was brown. It was that color of gloom which is not like the weather and will not lift. It was a gloom like the color of clay. Nothing would grow.

Outside were fifty trailers in this lot off the highway they called a Park, but looked to Bessie it was a place to park old people at little expense. Had her trailer cost \$3,300? She could no longer remember. When people asked if it had one bedroom or two, she would say, "It's got one and a half bedrooms, if you can believe it." It also had a half-porch with a half-awning.

Sometimes she didn't get out for weeks at a time. The arthritis was in her hands when she first moved ~~over~~^{here}, then it got worse. At Speed's, she couldn't keep up with her work. Those twisted fingers ached with every plate she picked off a table. Each move felt like the beginning of a disagreeable transaction. Sometimes she had to figure out in the middle of the move how to shift her course so that the repercussion of the pain would not freeze her spine. Finally, the boss said he had to let her go, and gave her final pay. She was making \$70 a week. Once she stopped working, the arthritis

got worse. One knee started to bother her, then the other.

A doctor said he could operate on her arthritic knees and put in plastic ones. She said no. She had a picture of herself living in this plastic house with plastic knees. The long hair that fell to her waist turned gray, and she kept it in a bun. What with the difficulty of raising her arms, it often stayed in the bun. "I'm ugly," Bessie would say to herself. It was as if, in losing the house, she must also lose her looks.

The house was taken away in the year Mikal had graduated from high school. He went to college in Portland, and he put himself through. He was bright and got good marks, and had to think of his own life. There were periods when he would visit less. The day she lost the ten-room house with the marble top furniture, Mikal went north, and she went south, and they never lived under the same roof again.

Mikal only moved to Portland College, and she only moved a little further south on McLaughlin Boulevard in Milwaukie south of Portland City line, moved further down that four-lane avenue of bars and eateries and discount stores. One gas station even had an old World War II Boeing bomber stuck up in the air above its gasoline pumps. That was about

as surplus as you could get. Since she stayed in the trailer more and more, she passed that silly airplane on beat-up old McLaughlin Boulevard less and less.

Mikal had been eight when she and Frank bought the house and she had lived in it for ten years. Now she could remember how its living room had been larger than all of this trailer, and how after Frank died, Mikal was the only boy left in all that space. She slept downstairs, and every morning couldn't wait for him to wake cause she was there alone and Frank was gone and the house felt haunted like half the houses she had known.

The moment she would step into Mikal's room, she'd smile and say, "What would I do without you?" and he'd say, "Mother, you'd just give right up and die." She loved him. She was crazy about him.

Now, Mikal was gone. They were all gone. She did not know how much was her fault, and how much was the fault of the ongoing world that ground along like wagon wheels in the prairie grass, but they were gone. Gary was away forever, and in her dreams, the wind still whistled through the vent in Gaylen's belly that the ice-pick made, and Frank, Jr. was often gone, and when she saw him on weekends, he lived deep

842

in his own thoughts and rarely spoke, and practiced magic no more, and Frank Sr. was dead and long-gone.

The sorrows of the family had begun with Gary, and now he wanted to be dead. When he departed, would they all descend another step into that pit where they gave up searching for one another? She lived again through the days when Frank Sr. died.

His looks, she was fond of saying, were strong enough to push a man across a room. He had been in show business so long his muscles rippled. He was a strong and powerfully built man and she watched him go down to nothing and die.

He had always been very afraid of cancer. His mother died of it, and he never said a word, but Bessie knew. He hated cancer and never wanted to talk about the subject. Maybe he had a premonition, but there sure was a straight-out fear. The sound of the word could spoil the day for him.

She watched him linger in the hospital. He wasted as he went. Once she had been very much in love with him, but there had been so many fights over the boys, over Gary most of all, that toward the end, there was not much feeling. But, oh, it was hard to watch him die. She almost loved him very much again.

843

To herself she wept when she thought of the first time Gary was brought before a judge, because that also happened to be the first time Frank was ever on Gary's side. "Don't admit a thing," he kept saying to Gary right in front of the judge. The wisdom of his life was in the remark. Frank knew the game. There had to be a score put up on the board before the game could begin. If nothing was admitted, the other side might not be able to start the game of law and justice.

The judge found Gary guilty anyway.

Now Gary was playing at the other end of the field. "Kill me," he was saying.

Sometimes it seemed as if all of her life had been lived in the sound of echoes. When Frank was in Colorado Prison, she lived for a time with Fay, and out of those years came the memory of a bat who flew into Fay's house one night. No question of the evil in that bat.

A year to the day after Frank died, a bat entered the house with the marble-top furniture and the turnaround drive, and she ran upstairs and called the police to get it out, same as she called the police twenty years before to get the other bat out of Fay's house. It was the worst kind of omen. It

844

came a year to the day after Frank died, and very near to the day Gary was sitting at her desk holding the birth certificate with the name of Fay Robert Kaufman. That was the moment she knew no matter how many years it took, she would lose the house. There was too much hatred in Gary. You did not keep a house on hatred such as that.

Still, she did try. Tried through the years, and the thickening fingers, and the stiffening knees, through the slow twisting of her limbs. Frank had purchased the house outright so there was no mortgage to meet, but when it came to finding the money for the six years of back taxes, she had only one idea of how to get it. If her Mormon Church would pay those back taxes, \$1400, no fortune, she would sign the deed over until she paid the Church back in full. If she couldn't pay, the property would be theirs.

It was simple as she conceived of it, but the outcome produced new voices in her ear. They were real voices, and she could hear every ugly thought. They said, We'll send a man from the church to appraise the property, but when he came, he appraised it at seven thousand dollars. She told him that her husband had paid twice the sum ten years ago, and her husband was no fool. He said, "They asked me to appraise it low," and he talked of the deterioration of the house and grounds.

845

Soon the voices began to ask why she didn't agree to start living on a lesser basis? Did she have to live in a big house now? She could always work for one of the rich ladies in the church, and stay with her bed and room free.

It didn't seem wise, the Bishop explained, to keep a home she could not maintain physically. As it was, she only lived in a room or two, and the city threatened suit if she didn't take care of the weeds in the rear. She had four sons, but the rear of the house was a thicket of tall grass, tin cans, and cat briars. The church sent young people over to try to clear it, bit by bit, but that was a large job. Couldn't Mikal help?

He had, explained Bessie, his studies. There was a crevasse of ice between the Bishop and herself after this reply.

She heard the voices talking of the financial situation. The home was not worth what it would cost to buy it back in taxes, she heard, not if you included the cost of keeping it up when her sons didn't. She felt able to kill when they told her again that the grounds to the house were ill-kept, and choked with weeds. She didn't like someone telling her

846

what her sons ought to do. Didn't like those voices saying that the best course, the wise course, was to find a small mobile home she could live in and handle. This is an emotional thing with you, the voices told her.

Of all the people, she said to herself, who ever hurt me, it's been only Mormons, nobody else ever could, and she remembered the terrible hatred in Gary's face on the day she told him in the visiting room at Oregon State Prison that she had lost the house and the Church never helped her to save it. There was a look in his eyes as if he had found an enemy worthy of his rage, worthy of his size.

Now, she was in the trailer sitting in the dark, TV not on, radio not on, her legs in wrapping, and her night gown looking like it was a hundred and two years old. She could hear the boy from the Mormon Church come rapping on the door, breaking the silence, the boy who came over to help her. He would do the dirty dishes that were all over the table and all over the sink, pick up after the trail of the immediate past of the day before, and the five days before, all of that record of living from day to day through the twisting of her limbs. Sometimes she would sit and not reply to the boy's knock, sit in the dark, and feel him looking through the panes of the door to see if he could find her shadow sitting there. Finally,

847

she would say, "Go away."

"I love you, Bessie," the Mormon boy would tell her through the door, and leave on his rounds to help another old lady even as Benny Bushnell once had done.

"Gary cannot want to die," she would say to herself in the dark.

Nov. 2--76

Milw. Oregon

Gary Gilmore

No. 13871

Dear Gary:

I heard the news at noon, and Gary, my dear, I could hardly stand it. I love you & I want you to live.

Gary, Mikal loves you and he is your friend & you know I wouldn't lie to you. He took this real hard but he will try very hard to help you.

If you have 4 or 5 people who really love you, you are lucky. So please hold on.

Here is a picture of me and Mikal taken in Salt Lake City years ago.

I love you,

Mother

848

2.

Mikal had never told Bessie how much rage Gary aroused in him by his murders. It could've been me, he thought back in July when he first heard the news.

Mikal worked in a record store. While he was the envy of his friends for being able to pick up new releases at 30% off, he also had to throw dope peddlers and ass peddlers out of the store. He wasn't necessarily built for that. One time, a shoplifter pulled a knife on him. Another time he almost got wasted by a big drunk who was urinating in the store doorway. The violence of Portland licked right up to the edge of the store and left a spew like that yellow foam on city beaches where old rubber dries out with the jellyfish, and whiskey bottles, and the dead squid.

If Mikal's life was seen by some as the attempt of one of the Gilmore boys, one anyway, to get out from the family hex, that was not necessarily Mikal's view. Mikal did not believe in curses, not in the chills and wonders of a heritage that might or might not include Houdini. Mikal had a simpler view. He had been afraid of Gary for years. Mikal, reading the headline on that one terrible July night, OREGON MAN HELD

849

IN UTAH SLAYING, felt shame. "It could have been me." He could have been the same victim of the same mindless robbery. He hated his brother then. His brother knew nothing about waste. His brother had no respect for the horrors of waste. His brother did not know that when you robbed a house, you spoiled it for the people who were living there.

Next day, Bessie had said to Mikal, "Can you imagine what it feels like to mother a son whom you love, when he has deprived two other mothers of their sons?" Mikal did not know how to tell her he was frightened of the violent and capricious impulses of his brother, and did not know how to face them, and had been glad, even since 1972, that he did not have to see him again.

That was when Gary had been granted what they call a "school release" from Oregon State Prison to a halfway house in Eugene. They were letting him out to study art. Mikal, who was going to college in Portland then, had been told of this event by Bessie, but he was nonetheless startled to see Gary turn up at his door on the day after his release in the fall of 1972, with a six-pack in his hand, and the happy information that he could still register at school tomorrow. The school at Eugene was a couple of hundred miles away, but Gary seemed in no hurry. He just wanted to see how Mikal

850

was getting along.

Next day, Gary was at the door again. He was wearing the same clothes. His blue eyes stared at Mikal out of a blood-shot field of white, and there was yellow in the corners. He was ready to take Mikal to lunch, but only in a cab. He did not want to be seen on the streets.

Mikal began again to feel something of the fear he had always felt on those rare occasions he visited Gary in prison. He never walked into that environment without being steeped in dread. It was not only Gary but the lost lives of the other prisoners in that visiting room, the depression, the apathy, the congealed rage, the bottomless potential of the violence in these halls. After a while, Mikal stopped visiting. It created too much disturbance when he walked into prison wearing his long hair. It was like protesting the war in Viet Nam in front of a platoon of Marines.

On this day in 1972, Gary took him to a topless bar. Mikal thought Gary was in a trance. He just kept studying the breasts of the girl on the dance floor. After a while, Mikal got up his courage and said, "It's obvious you're not going to school."

Gary answered in a slow Western drawl. He spoke in a

851

deliberate countrified way. It was phony as hell, Mikal always thought, more Texas than Oregon, as if Gary's vocal chords had been permanently twanged by the act of being born in Texas. "Man," said Gary, "I'm not cut out for school. They can't teach me anything about art I don't know already." Then he changed the subject. He needed a gun, he told Mikal. A friend in Oregon State Prison was going to be brought out for dental work next week. He wanted to spring him.

Mikal protested. "You're throwing away your life."

"It's a matter of dignity," said Gary and looked at Mikal's eyes. When he took in the knowledge that there was no gun forthcoming, Gary said, "I'd do it for my brother."

He dropped Mikal off in a taxi, and went on.

Mikal only saw him twice more that month. Once Gary stopped by to hear some Johnny Cash records. He was charming and sober. Another day, Gary picked him up at school, took him to a rich friend's house, showed him the swimming pool, then showed him a pistol. "Think you could ever use one of these?" he asked.

It was like a bigger dude was squeezing your machismo to see if it leaked. "I could use a gun if I had to," said Mikal, "but I hope you're talking about survival."

852

Gary put the gun away and ruffled Mikal's hair.

"C'mon," he said, "I'll drive you home."

On the way, Gary started to honk at a car that was going too slow, and when the driver slowed down a little more around a turn, Gary whipped around into the oncoming lane and went right into the path of an approaching van. At the last instant, he escaped collision by ramming their car up on the sidewalk.

"You almost got us killed," Mikal shouted.

Gary was breathing deeply. He lay his forehead on the steering wheel. "Sometimes," he said, "you just have to be able to face that."

A couple of nights later, Mikal heard over the news that Gary had been arrested for armed robbery. Months later, Bessie and Mikal attended his trial. Just before the sentencing, Gary made a statement to the court. Mikal never forgot that speech:

"I would like to make a special appeal for leniency. I've been locked up for the last nine and a half calendar years and I have had about two and a half years of freedom since I was 14 years old. I have always gotten time and always done it, never been paroled. I have never had a break from the law, and I have come to feel that justice is kind of harsh, and I have never asked for a break until now. Your Honor, you can keep a person locked up too long just as you can keep them long enough. What I am saying is

there is an appropriate time to release somebody or to give them a break. Of course, who is to say? Only the individual himself really knows, it's more a matter of just convincing somebody. There have been times when I felt if I had had a break, right then I would probably never have been in trouble again, but like I said, I don't feel that I have ever had a break from the law. Last September, I was released from the Penitentiary to go to school in Eugene at Lane Community College and study art, and I had every intention of doing it. One day I'm in the pen for nine years, and the next day I'm free, and I was kind of shook. While I was waiting to register at the college, I had a couple of drinks and I realized that this was a pretty stupid thing to do. I just got out, and I was afraid to go back to the halfway house with booze on my breath. I thought I would be taken back to the pen immediately and to be honest, I guess I kind of wanted to continue drinking, it tasted kind of good. Well, anyway, I split and went to Portland. It wasn't long before I was broke, and I spent a couple of days looking for a job, but I couldn't find one. I didn't have any work background. When you are free, you can afford to be broke for a few days, and it doesn't matter, but if you are a fugitive you can't afford to be broke at all. I needed some money. I am not a stupid person, although I have done a lot of stupid and foolish things, but I want freedom enough to realize at last that the only way I can have it and maintain it is to quit breaking the law. I never realized it more than I do now. If you were to grant me probation on this sentence, you wouldn't be turning me loose right now. I still have time to do. On the other hand, you can sentence me to additional time, but like I said, I have got problems, and if you give me more time, I'm going to compound them."

The judge sentenced him to nine additional years. The law was made of rock, and words worked upon rock with no more strength than other words. "Look, don't worry," Gary said to his mother, "They can't hurt me any more than I've hurt myself." Mikal shook hands with him through the handcuffs, and Gary said, "You did right." Then he nodded. "Do me a favor. Put on some weight, okay? You're too goddamned skinny." Mikal would not hear his voice again for close to four years, not until the middle of November 1976 by which time Gary was a household name in half of America.

854

Book Three

I ~~B~~

FEAR OF FALLING

1.

the day before the 1976 Presidential Election,

On November 1, ^ANoall Wootton was up in San Francisco at a national homicide symposium. Had gone there, as he put it, to learn how to prosecute murder cases, and they even gave him a certificate suitable for framing. He was going to have his wife join him for a few days and have a little fun, but word from his office took care of that. Wootton's secretary phoned to say that Gary Gilmore was going to withdraw his motion for a new trial. He was not going to appeal. He wanted to be executed. Snyder and Esplin, Wootton soon learned, were damn upset about it. They didn't know what their ethical position was supposed to be, so how could they act in what they considered their client's best interest? Wootton concluded he had better get back. Who knew what con's trick Gilmore had come up with? Wootton couldn't remember ^{any} ~~A~~ ploy like this before.

The courtroom offered a quiet scene. There were not many people seated, and Gary's speech to the judge, everything con-

sidered, was, Wootton thought, kind of open and courteous. It was still off the wall. Wootton got permission from Judge Bullock to make a few inquiries on the stand:

MR. WOOTTON: Mr. Gilmore, has your treatment in prison thus far at the Utah State Prison influenced your decision in any way?

MR. GILMORE: No.

MR. WOOTTON: How about your treatment at the Utah County Jail?

MR. GILMORE: No.

MR. WOOTTON: Now you have been represented by two attorneys who are paid by Utah County. Do you understand that?

MR. GILMORE: Yes.

MR. WOOTTON: Are you satisfied with the counseling they have given you and the representation that they have made for you?

MR. GILMORE: Not entirely.

MR. WOOTTON: In what way, sir?

MR. GILMORE: I'm satisfied with them.

MR. WOOTTON: So the way they have represented you hasn't necessarily had any influence on your decision, is that correct?

MR. GILMORE: That's my own decision. It's not influenced by anything other than the fact that I don't care to live the rest of my life in jail. That doesn't mean this jail or that jail, but any jail.

MR. WOOTTON: Has anyone else influenced your decision other than your own thoughts, sir?

MR. GILMORE: I make my own decisions.

MR. WOOTTON: Are you under the influence of any alcohol or drugs or other intoxicants at this time?

MR. GILMORE: No. Of course not.

MR. WOOTTON: Have you been under the influence of any such thing, sir, in the course of your thoughts concerning this decision?

MR. GILMORE: No. I'm on jail. They don't serve beer, whiskey, or anything.

MR. WOOTTON: Sir, in your own judgment, do you feel that you are mentally and emotionally competent to make this decision at this time?

MR. GILMORE: Yes.

MR. WOOTTON: Do you make any claims of being insane or mentally disturbed at this point?

MR. GILMORE: No. I know what I'm doing.

MR. WOOTTON: Sir, would you request that the Court extend the execution date beyond the normal appeal time in order to give you additional time to think this decision out?

MR. GILMORE: I'm not going to think differently about it at any time.

Judge Bullock set an execution date for November 15th.

857

stet

~~On the Thursday before, Snyder and Esplin had met Gary in the visiting room at Maximum Detention, and told him they felt duty-bound to go ahead on the appeal.~~

~~When Gary said, "What can I do about it?" Snyder answered "Well, I don't know?"~~

~~Gary then said once more, "Can I fire you?"~~

~~Esplin said, "Gary, we'll make the judge aware that you want to can us, but we're going to file anyway."~~

~~By the 3rd of November, they did, and Esplin got a letter from Gary in reply. It said, "Mike, butt out. Quit fucking around with my life. You're fired."~~

~~On November 1, the day before the 1976 Presidential Election, the day that Gary Gilmore first stated in court that he did not wish to appeal his conviction, ^{Utah's} Assistant Attorney-General Earl Dorius was at his desk in the Utah Attorney General's office, in the State Capitol Building, in Salt Lake City. It was a monument of a building, a rectangular marble palace with a parquet marble floor in the center of the lobby from which you could look up at the stories above with their balconies and marble balustrades. Earl liked working there.~~

~~He was not averse to working there for the rest of his res-
possible life.~~

That afternoon, Earl Dorius received a call from the warden out at Utah State Prison. Since Earl was legal counsel for the prison, the Warden talked to him frequently on many a matter, but this time ^{Warden} Sam Smith seemed nervous. His transportation officer had just taken an inmate, Gary Gilmore, to Provo for a court hearing, and Gilmore apparently told the judge that he didn't want to appeal his death sentence. The judge said all right. Now, the execution date was only two weeks away. The warden was concerned. If this were true, he didn't have a lot of time to get ready. Could Dorius verify this?

Earl called Noall Wootton and they had quite a conversation. Wootton said it was not only true, but he was trying to figure out Gilmore's angle. He thought Gilmore might be trying to press the system to execute him within parameters, that is, do the job within the thirty-sixty. The statute called for execution in not less than 30 and not more than 60 days. Now that Gilmore had no appeal in, what would happen if they didn't execute him by December 7? That would be sixty days after October 7, the last day of his trial. Gilmore could ask for an immediate release. The only sentence he had received,

after all, was death. That was not a prison term. Technically, they would have nothing to hold him on. He could get out on a writ of habeus corpus.

Of course, Gilmore wasn't going to get loose that easy, the lawyers agreed, but it sure could prove embarrassing, legally speaking. The State would look ridiculous and incompetent holding him in jail for years on one pretext or another while the law was straightened out in the legislature and the courts.

Earl Dorius called Sam Smith back and said, "You better start preparing for an execution." The warden was awestruck.

Nonetheless, Sam Smith started throwing some good questions back at Earl. How many members of the firing squad would there be, he inquired? From where could he draw them --out of the community at large or from the ranks of police officers?

The warden had also looked up ~~and~~ the appropriate statutes and they left something to be desired. They didn't, for example, tell the warden whether it was possible to conduct the execution outside the prison walls or off prison property. They were not precise on a host of matters. A lot would have to be decided. Gilmore, for instance, wanted to donate a few

of his body organs to the University Medical Center. Could Earl look up the law on that?

Dorius was excited. He realized he was sitting on a hot issue, a very hot case. He started going around the office telling people, "You won't believe this, but we have a potential execution on our hands." He went down to the Attorney General's office, but the AG was out, so he had to tell the secretary. Earl was a little disappointed with the reaction. It didn't seem to sink in. It was as if the secretaries in this head office really didn't get the import of what he was telling them. First execution in America in ten years! You couldn't exactly shout that at people.

~~He had had a conversation about Gilmore some weeks before at a party. A friend named Connie Mason had mentioned that her cousin was recently murdered. His name was Max Jensen and Connie Mason began to describe some of the agony that the widow Colleen Jensen had gone through, and how it had been an ordeal to live through the publicity of the trial. Dorius had not yet heard of Gilmore, couldn't place his face or the trial or anything, but Connie Mason was sure concerned. Taking off from the face that Earl was a lawyer in the criminal area Connie let him know how incensed she was at the way prisoners were coddled. She kept saying a guy with as much potential as Max Jensen is wiped out by someone like Gilmore who has no values.~~

~~and Dorius was caught up in that. His home was one of the polling places. So he spent most of the night of November 1st setting up polling booths.~~

The next

~~Early on the morning of the 2nd, Election Day,~~ Earl got a telephone call from Eric Mishara of the National Enquirer. This voice came over the phone to say that the story was extremely interesting, and he had called the warden who told him to talk to the prison's legal counsel. He wanted, said Mishara, to interview Gilmore right away.

Mishara was very forceful, too forceful for Dorius' taste. The moment Earl began to try to slow him down a little, Mishara blew up and began to talk about what he was going to do to the prison if they tried to keep him out.

A case came right into mind for Dorius: Pell v. Procunier. It was a United States Supreme Court decision which said that members of the news media had no special right of access to inmates. The prison, Dorius told Mishara, would be taking that position--Gary Gilmore could not be interviewed.

Immediately, Mishara said, "Look, I'll sue." He started to talk about high-powered attorneyes in New York. Dorius said, "I don't care where your attorneys are from. You have

them look up Pell versus Procunier. I think they'll agree with me."

He didn't hear from Mr. Mishara for quite some time after that. That was the highlight as far as the day was concerned.

Deseret News

CARTER WINS ELECTION

Judge Orders Test of Convicted Slayer

Utah State Prison, Nov. 2-- . . . If Gilmore gets his way he will be the first person executed in Utah in 16 years and the first in the nation since 1967.

2.

On the day that Dennis Boaz read in the papers about Gary Gilmore, which was November 2nd, he was driving to Utah and had this experience with death. That seemed kind of synchronistic.

He was moving along in the left lane and thinking about the course he was soon going to give at Westminster College in Salt Lake City. Dennis was into alliteration these days so he was considering calling the thing: Society/ Symbolism/ Synchronicity. Just as he said the last word to himself, a trailer truck slammed to a stop just ahead of him in the left

lane, and he had to take his car around on the right. After he passed, there was this incredible sight in the mirror: a torso of a man hanging through the windshield, arms outstretched to the ground.

Then another sight!

A rear-mirror view of the broad back and ass of a second truck driver running towards the first truck. Dennis didn't stop. There were too many cars behind him. But just before it happened, he had been thinking of the date, November 2nd, and in his mind had been writing it as 11/2. That, of course, added up to thirteen. In the major arcana of the Tarot, thirteen was the card for death.

So the word Death was running through his mind even as he saw the dead man. He thought, "Wow! God! I bet the next road sign will be another indication of this." Just then, the sign came up on the shoulder, "Star Valley and Deeth-- Next Exit." It had to be as much synchronicity as anybody's synapses could take.

That evening, the 2nd, he got into Salt Lake early enough to vote for Carter on the Independent line. Then, on the morning of the third, he woke up thinking about Gilmore. "God, here I am," Dennis thought, "right in the juncture of something

really important." He could see it was going to happen. His mind could extend the possibilities right out. "This is a tremendous opportunity for a writer," he thought, "and I ought to send Gilmore a letter!"

Boaz did. He dropped a few lines, and told the man he was there to give him support on his venture. A few years ago when Dennis had been a young ~~prosecutor~~ ^{in a ~~prosecution~~}, he had actually been against capital punishment, but now, over a period of years, he had finally come to the point of believing that even if we had an ideal society we might still have to have the death penalty. Capital punishment, properly applied, could say a lot about being responsible for one's actions. The thing was to get back to responsibility. Boaz didn't put all of this in his letter, but he did say that he supported Gilmore in his right to die.

Kathryne had been going over to visit April at Timber Oaks Mental Health about three or four times a week, but when she heard that Gary was asking for his execution, she started visiting Nicole as well. On those evenings that the hospital let April out, Kathryne would take her along for a couple of hours from five to seven. They would sit up in Nicole's apartment in Springville, and April would say, "Sissy, are they really going to shoot Gary? Why doesn't Gary want to live, Sissy?" and Nicole would be real calm about it. "Oh, I don't

know, April," she'd say. Real calm. Like it didn't even bother her. It bothered Kathrynne so bad, she'd bawl at night. She couldn't stand seeing the announcer on TV talking about it. There, right in the middle of the commercials. It made everybody on TV look crazy.

Once or twice Nicole would come to Kathrynne's with the kids and sleep over. She would never talk. Not even to her Aunt Kathy. She would put Sunny and Jeremy to bed and then write poetry. That was all. Writing and writing at poetry. She was never abusive to the kids, just didn't pay much attention. Kathrynne did more about correcting them than Nicole who just sat up till one or two. She would take Kathrynne's poetry books down from the shelf, and copy poems.

~~Right in that first week of November, Kip died. He was killed in a fall down a mountain. Rock climbing.~~ Kathrynne was getting ready for work on November 4, when she heard ~~name~~ *that an old boyfriend of Nicole's* on the radio, Alfred Eberhardt, and said to herself, "Oh, my -- who everybody called -- *had been killed in a fall down a* ~~God, that must be Kip~~ *mountain. Rock climbing.* All day at work, she worried how Sissy might be taking it. In fact, she went straight over to Springville from her job, and there was Nicole with her little lamp off, writing, writing. Kathrynne went in and said, "My God, what are you doing in the dark?" Nicole said, "Oh, I hadn't even noticed." She turned on the light, got coffee, was laugh-

ing and joking around. ~~Kathryne didn't know how to ask her~~
~~if Alfred Eberhardt was Kip. Nicole said,~~
~~"Yeah, yeah." Kathryne said, "That's what I was afraid of."~~
~~Nicole said, "Yeah."~~ Kathryne didn't think Nicole was showing
what she ought.

A little later, however, Nicole looked up and said she'd
like to call Kip's folks. Kathryne was all for it, but then
Nicole said, "I don't know. What would I say to them?"

It did hurt, Kathryne said to herself. She does care.

~~Nicole was remembering back to that day years ago when~~
~~she left Barrett and went out with all she owned in a pack~~
~~on her back, and Sunny, an infant, on her arm. Kip picked~~
~~her up hitch-hiking out of Utah, and their romance started~~
~~right that night. He had been a stud in the beginning. All~~
~~that paranoia going right into love. It was a real first night.~~

The next day they found themselves driving in the Colo-
rado Rockies, and he stopped the car and took Nicole and
Sunny on a mountain trail. At one point they could see a
fellow who was trying to climb a rock wall up a cliff. There
was a little ledge about three feet off the ground that this
fellow kept stepping onto, and then he would lose his nerve
~~about going higher and step back.~~

They kept walking. A couple of hours later, when they came down the trail, the fellow was still there. "He's stone," said Kip, trying to laugh, but he looked bothered. There were other fellows high up on the rock wall now with ropes, maybe as high up as the eighth or tenth floor of a building, just hooked into the wall. Kip couldn't take his eyes off. He got depressed. It was like here he was with a new chick, a super chick, and these dudes were showing him up. In fact, Nicole wouldn't have minded meeting one of them. They looked super-daring.

In the radio report, they said Kip was an amateur climber. Nicole began to wonder if he had been doing it with ropes, or was like that poor stoned fellow stuck at the bottom of the ledge getting nowhere.

November 3

Just listen--and don't become rebellious or stubborn or independent as is often your immediate reaction when told to do or not to do a thing. Okay. What I am telling you is this: You are not to go before me. You mention this in your letter and I always take you serious. I don't like to tell anyone, but especially you, to do or not to do anything. Without giving them a reason. The reasons are this: I desire to go first. Period. I desire it. Second, I believe I may know

a bit more ABOUT THE TRANSITION FROM LIFE TO DEATH than you do.
I just think I do. I intend and expect to become instantly in
your physical presence--wherever you are at the time--Spring-
ville, Draper, wherever. I will do all in my power to calm
and soothe your grief, pain, and fear. I will wrap my very soul
and all of the tremendous love I feel around you. You are not
to go before me, Nicole Kathryne Gilmore. Do not disobey me.

A letter also came to Vern. In it Gary wrote that neither Vern nor Ida had come to visit him after his death sentence, "so that's self-evident that you're ashamed of me." Then Gary added, "You haven't even put a frame on the portrait I gave you. I want you to take that picture and give it to Nicole. I don't want to have anything to do with you."

Ida was hurt. When she got her bearings, she wrote, "I cherish the drawings you gave me. That's the only thing I have of you. As far as me giving them up and giving them to Nicole, you can just go sit on it, I won't do it. They're mine."

Vern added a note to Ida's letter, "I don't know what's gotten into you. We tried to see you down at the jailhouse and the only person you wanted to see was Nicole, so we gave up. That's a true fact. I'm going to back Ida all the way."

869

We're not giving the pictures up."

~~Well, if you went to Ida's and Vern's to get your pictures, I hope it didn't develop into a hassle or a bad scene. I got a letter from them today--said she would have you picked up if you "caused any trouble." (Ida's words, not mine).~~

~~Jesus, baby, I'm sorry. I'm sorry I got relatives like that. I hope you did not have to go thru an unpleasant thing with either Ida or Vern. Fuck them. Forget it, let them keep the pictures. They know they ain't welcome to them but I ain't gonna have you go thru a hassle with them. I'm embarrassed about it.~~

Gary also wrote a nasty letter to Brenda and told her to give his oil painting to Nicole. Brenda asked Vern what she should do, and Vern told her to follow her conscience. Brenda wrote to Gary, "I don't want to, but if you insist I will. If it doesn't mean that much to you, it sure don't mean that much to me. You don't want me to have that painting, then up your bucket. I don't want it. If that's how nasty and selfish and childish you want to be about it, I'll take it and stuff it over Nicole's head. Then she can really wear it and enjoy it."

3

ON November 3rd, even though he'd 87D
fired them, Gury's two attorneys, Snyder
and Esplin,

~~Nov. 4 Despite being fired, the two defense attorneys later Wednesday~~ filed a notice of appeal *For him*
--in their names--with Fourth District Court Judge
J. Robert Bullock.

They said it was "in the best interests" of the
defendent.

~~even though he'd fired them Gury's two~~
~~On November 3rd, before election returns were even all~~
~~counted, other things were heating up.~~ *Dorius began setting*
Earl was taking nume-

rous phone calls from the press who kept asking what position
the Attorney General's office intended to take on Gilmore.
Dorius told them that Snyder and Esplin lacked standing to file
an appeal without their client's consent.

Earl ~~was ready to look ahead a little.~~ He had the feeling
that "standing" was going to be a big legal word around here.
Even if Snyder and Esplin moved off the case, other groups or
lawyers would soon try to appeal whether Gilmore wanted it or
not. Then one's standing--one's right to take a case to court--
was going to be very important.

~~It~~ It was heating up fast. Too fast. Dorius had been
looking forward to a conference for Corrections Officials that
his associate, Bill Barnett--no relation to Jim or Nicole Barnett--
he and ~~Bill~~ were going to attend in Phoenix in a few days,
but this was a poor time for them to leave the shop. Earl was
being interviewed like crazy by members of the media. They
caught him in his office, at home, on the street--everywhere.

871

"On a Monday I was arrested--

On a Tuesday they locked me in the jail--

On a Wednesday my trial was attested--

On a Thursday they said guilty and the judges gavel fell--

Chorus:

I got stripes, stripes around my shoulders,

I got chains, chains around my feet--

I got stripes, stripes around my shoulders,

But these chains, these chains they're 'bout to
drag me down.

Hey, Jimmy Carter is the new Pres. Ain't that somethin'!

I didn't believe Ford could lose--I think it's only the second
time in the history of the entire universe that an incumbent
president lost an election.

Deseret News

Nov. 5--The Associated Press today reported the first public opposition to the execution. . . Utah officials of the American Civil Liberties Union (ACLU) and the NAACP said they will try to have their attorneys assist in the appeal process.

ACLU spokesman Shirley Pedler said, "Our stance is that the state does not have the right to take his life regardless of his choices or decisions."

Hey I met an Indian today who I've known for years. His

~~name's Chief Bolton. All Indians are named chief, anyhow he's
a guard here. He was a guard in the Oregon joint when I knew
him several years ago. He's a great big fucker. 300 pounds
or so, a purty good man, even if he is a guard, and we laughed
and bullshitted all the way over and back. . .He told me he
can easily understand my feelings and that he hopes I get my
wishes--he simply understands--Indians understand death more
easily than white people I think~~

November 5

I also got a letter from a Dennis Boaz in Salt Lake.
He's a former lawyer from California. He seems to fully
understand my situation and feels I have the right to make
the ultimate decision without interference from any legal
source. This guy Boaz is now a free-lance writer and wants
to do an article for national publication. He said he would
split any money he receives for his story with anyone I choose.

Well I reject that outright. . .I simply refuse to capi-
talize on this in any way. . .

This is a personal thing, it is my life Nicole. I can't
help gettin some publicity but I'm not looking for any.

Warden Smith asked me today what I might like for a last
meal. I always thot that was somethin they just did in the
movies. I told him I don't know but I would like a couple cans
of Coors, he said he didn't know about that--but maybe. . .

873

4 ~~SE~~

SYNCHRONICITY

No sooner had Earl and Bill Barrett arrived at the conference, that they noticed that Gary Gilmore was a hot news item in Phoenix too. There were TV reports every night. In fact, they even saw ^{can} ~~the~~ interview ~~Greg~~ ~~Bolt~~ ~~with~~ ~~Barrett~~ Barrett on the ABC evening news. They were actually seeing Barrett on national network!

~~Then Earl and Bill met two Assistant AG's from the State of Oregon who talked about what a problem Gilmore used to be to the Oregon prison system. It seems Gilmore was never satisfied with his false teeth. Every time they made him a new set, he would flush them down the toilet, and expect the prison to fashion him a new upper and lower plate. The prison finally warned him that if he sent any more choppers down the hole he'd be gumming his food for the rest of his penitentiary life. So, Gilmore still had the last set of false teeth made for him at Oregon State Prison. These Assistant Attorney-Generals now said jokingly that after Gilmore was executed, Utah ought to return the plates to the Oregon Department of Corrections.~~

874

Next day Earl heard of new developments. If you jacked up an old wall of plaster, you couldn't have more fast-developing cracks in a situation. The Utah Supreme Court had just ruled on Snyder and Explin's petition for an appeal and granted Gilmore a stay of execution. Now, nobody knew now when it would come off. That same day, Gilmore sent a message to the Court. The papers naturally picked it up. People could hardly believe what they were reading.

Don't the people of Utah have the courage of their convictions? You sentence a man to die--me--and when I accept this most extreme punishment with grace and dignity, you, the people of Utah want to back down and argue with me about it. You're silly.

Right after that, Earl heard of another Gilmore letter sent to Warden Smith:

Sir, I do not wish to see any members of the press. However there is a man named Dennis Boaz, free lance writer, and former attorney, who I do desire to see. Mr. Boaz is the only exception to my no-interview rule.

Who, wondered Earl, is Dennis Boaz?

the prison chaplain,

On Sunday night, Gary said to Cline Campbell, "I need your help. I have no lawyer and I figure to be in court in a

1070
1026
875

few days. I can always go up there and represent myself, but it would look more serious if there's an attorney standing next to me." He handed a letter to Campbell. "This man wrote to me. Says he's a lawyer. Will you contact him?" When Campbell promised he would Gilmore added, "You've got to do it quick."

There was no telephone number with the letter. Next morning, Campbell drove to the address on the envelope, and at the door he ran into a fellow just leaving the apartment who turned out to be Boaz' room-mate. The fellow said, "Dennis is in bed, but I'll get him up. He's been writing all night."

When Campbell told Boaz what he was there for, both took a good look at each other. Campbell had to take a squint toward the ceiling. Boaz was as tall as a basketball player, 6'4" at least, and seemed to go up in extensions like a telescope. At the top, he had a pleasant serious face, dark hair, and a dark brush mustache. To Campbell he looked as much like a tall skinny doctor or dentist as a lawyer. He also had a mild and clear tenor voice that gave promise of talking a streak. It was obvious words did not have to fight to make it up to Dennis' mouth and get out on the air.

Campbell merely said, "Gilmore would like to see you at

876

the prison. Can you come?"

Boaz seemed ready for that. After he got dressed, he would follow Campbell out to the prison. That way the chaplain would have time to clear the way for him.

Dennis had been living rent-free in the basement. When Campbell arrived, his first thought, half-awake, was that the fellow might be a creditor. Campbell looked like a tough clean little soldier. He had a no-nonsense look about him, straight as starch. Of course Dennis had this new Saab he was out on a limb on. What the hell, he was broke. In fact, he owed ten grand. With no change in the situation, he could only declare bankruptcy and end it, although, being responsible, he didn't want to cop out. Anyway, under such circumstances, he naturally thought Campbell was a creditor, come to pick up the Saab. The moment he found out Cline was instead the bearer of good tidings, he was able to take a liking to him. A gentle soft-spoken man, he decided, courteous and concerned.

~~The place was looking a mess. Everson, his room-mate, was a little disorganized at the time, and so there were books and papers all over, and this big double bed in the front room, somewhat chaotic, right. Campbell wasn't going to be impressed but the place had decent atmosphere. Everson was a good dude for letting him stay there. It certainly interfered with Everson~~

877

~~having his ladies around. Being such a good person about it, Everson's attitude somehow lessened the chaos. Besides, Boaz felt he was in the positive channel of the flow now. He could carry off worse appearances than this.~~

~~He had told Campbell it would only take an hour to get ready but when he had to get batteries for his tape recorder, and check in on his legal job for the bus drivers' union which was supposed to pay him a nominal retainer but hadn't yet, he, with it all, didn't get out to the prison till 2 o'clock, four hours later.~~

The prison was 20 miles south from Salt Lake City, about half the way to Orem and Provo. ^{Four hours after Campbell left him,} ~~just opposite the place on the Interstate where the mountain came down to the road at the left. They called it Point of the Mountain. You took the exit to the right, got a good look at all the houses stretching west, and then a view of the prison right at the edge of the desert, a compound of low yellow stone buildings behind a high wire fence.~~

^(Prison parking)
Boaz parked his Saab in the lot, walked under the guard tower and went into the administration building. It had a small entrance and no lobby, just two narrow hallways intersecting at right angles and an information window to one side of this cross. It didn't even look like the entrance to a factory, more like the

dinky office inside the door of a large warehouse. Guards wearing maroon blazers that were much too short in the back for those who had big asses, were strolling down the hall, or going in and out of the crashing double gates that led into medium security of the prison. A trustee standing by a glass museum case was selling tooled leather belts made by the convicts to a group of tourists. In comparison to some of the California operations he'd seen, Dennis thought it was kind of old and funky for a state penitentiary. Still, it didn't have the worse vibration for a prison, kind of farm-like and ranch-inclined, simple were the faces of some of the guards, and sly like they'd been out in the barn sodomizing it with their father's prize cow after express orders not to. Yet nothing invidious or technologically corrupt. Some of the older guards had bellies sticking out as large as a wheelbarrow, a simple place relatively speaking, country people as they should be, and some very tough dudes among the guards.

~~Outside the Warden's office was a typed message tacked to the wall.~~

~~I hate guys~~

~~who criticize~~

~~Vigorous guys~~

~~whose enterprise~~

~~has helped them rise~~

start
~~Above the guys~~

~~who criticize~~

~~It was signed: Sam Smith.~~

Then the office. Small for a warden's den, and awful small for Sam Smith who was even taller than Dennis and had a big numb hulk of a body. He looked kind of a cross, Dennis thought, between Frankenstein and Andy Warhol, and wore big light-shelled plastic frame glasses. He spoke in a soft voice like Boris Karloff.

"I think," said Dennis, "you have some knowledge of my coming here."

"No," said Smith, "I don't know anything about it."

Awful cautious man, thought Dennis. Smith, he decided, was in a frozen space, expression-wise. Leaned back in his chair and looked at his visitor with circumspection.

Dennis explained to him that he was there as a writer.

"Oh," said Smith, "we can't let any writers in here."

"Well, Gilmore wants to see me. He sent the chaplain."

Smith shook his head. These were very warden-type energies, Dennis decided. Many layers of control over fear--didn't want anything to interfere with that control. Yes, basically a fearful man.

"What is this?" said Dennis, starting to anger, "the man's

got a right to talk-he's going to die soon and no one's getting any access to him. He wants to see me. He wants to talk."

"I just can't let any writers go in," said Smith. Man, his body was rigid. Smith moved all right for a big man, but he sure was tightly controlled. Dennis didn't like him, not the way he'd sit in his chair, cold, worried, not smiling.

Sam Smith sat there thinking for a long time. When he spoke it was to surprise Dennis with his next remark.

"Well," said the warden, "you are a lawyer."

He sure knows, thought Dennis, a lot more about me than he has let on up to now.

From California, Dennis told him, and said he couldn't practice here. Well, murmured Sam Smith in reply, we couldn't interfere with Gilmore's right to see a lawyer.

Now Boaz was beginning to get it. Smith wanted him to go in as a lawyer, wanted him around instead of Esplin and Snyder. Even if Gary had fired them, they were still the only Gilmore lawyers in existence and they had caused a delay. Of course! The Warden wanted wanted the execution to take place on time.

Sam Smith still wasn't physically friendly. In fact, you might say he was physically intimidating. But now he said in that quiet voice, never looking at Boaz, that the only way

Mr. Boaz could get in was as a legal counselor, and something would have to be put in writing to that effect.

Dennis drafted a note. He said he wouldn't do magazine or newspaper articles, was there as a lawyer, and added that he was writing this at the Warden's request. Privately, he considered it unconstitutional. The Warden was infringing on his rights, and on Gilmore's rights. Made a point, however, of saying, "This agreement is illegal, but I'll sign it." The Warden was angered. It came off him like the heat from an empty skillet that you'd forgotten on the fire. Boaz told himself to remember that this was Mormon country and they believed in blood atonement. This all meant a great deal to Sam Smith. First execution for America in ten years. The man obviously had something to prove.

So he was let in, but without his tape cassette. A guard took Boaz outside the administration building and they walked north over a hundred yards to Maximum Security, an ugly squat building all by itself. There Boaz was put in a fairly large visiting room, maybe 40 by 25, with only a guard in a bullet-proof glass cage to look at him. That guard was controlling the door to get in and out, but probably couldn't hear much more inside that glass than the P.A. system. So he was half asleep.

Stupor on top of old woe was the sad vibration Dennis was getting from Max.

His first impression of Gilmore was intelligence. Dennis felt as if an intelligence had come into the room. But a quiet indrawn face. He might not have noticed him on the street, not unless they had made eye contact. Gilmore had smoky gray-blue eyes with a lot of light in them. Startling. A direct clear gaze with no avoidance. Since he was in the loose white coveralls they wore in maximum security and had come into the room barefoot, Dennis could see him as a holy man in New Delhi walking around.

They got off to a fast start. In the letter Cline Campbell brought^t, Gilmore had written that he might give Boaz an interview. So now Boaz laid an awful lot down real fast. Told him of his law background, Boalt Hall at Berkeley--Gary's nod showed he knew those were worthy credentials--and about the time he had put in as one of the assistant prosecutors in the D.A.'s office of Contra Costa County west and north of San Francisco. He had been a pot-smoking prosecutor, he made a point of telling Gary. He knew the punitive side of the law, but his sympathies were more to the defense in criminal matters. That was probably because of listening to Ginsberg and Kerouac back in the late fifties when just a college

freshman--he and Gilmore must be about the same age, they agreed--and then later giving his sympathies to people like Mario Savio, Jerry Rubin, and the Berkeley movement in general. He pinpointed his life with these names--Gilmore knew the names.

Lately, he had not practised much in the law, Boaz said. Too restricting. He was interested more in the consciousness area, encounter groups, meditation, Sufi, the process called Fischer-Hoffman. He had come out of that process so moved by the transformations in himself and others that he became a Fischer-Hoffman counsellor. Still he had found that also restricting. So he had moved on to Findhorn, at least in his mind's allegiance. He liked the idea that people in the consciousness movement could know there was a place where 20 lb. cabbages could be grown in an inch of topsoil way up in Scotland, even flowers would bloom in the winter through your attunement to the plants, and by your ability to offer psychic conduits to the energies as they came down.

Gilmore took it all in, and popped back fast with good questions. Boaz was kind of blown out by it. Right away Gilmore was giving him the best intellectual conversation he'd had since coming to Salt Lake City--it was bizarre.

They were rapping about books, a fast heavy rap, and Gary

was talking about "Demian" by Herman Hesse, and "Catch-22," Ken Kesey, Alan Watts, "Death in Venice." He called the author Tom Mann, and said, "that pretty boy knocked me out." Finally he said, "I like everything that wild Irish maniac, J.P. Donleavy, ever wrote." It wasn't so much a discussion as a sharing of taste. He also liked "Agony and Ecstasy" and "Lust for Life" by Irving Stone.

Dennis wasn't hearing ideas that were new to him, hell, he was pretty cultivated in these matters if, by his own measure, a dilettante. Still he was conversant by comparison to most, and he was impressed that Gilmore was actually familiar with the consciousness stuff. Nothing new to contribute, necessarily, standard reactions in his replies, but he had done a good deal of thinking on the subject. For example, he was very fixed on karma in relation to reincarnation. "You cannot escape yourself," Gilmore said. "You have to meet yourself."

Dennis was all for that idea as part of karma, all for seeing the universe in terms of action and reaction. You were responsible for your actions. But he thought Gilmore was just a little dogmatic about reincarnation. Boaz had friends who believed in it, and he was generally knowledgeable about the subject, but he had no intense belief himself--reincarnation was just one possibility among others. ~~"Yeah, Gary," he said~~

he had decided to play devil's advocate to see where Gilmore was coming from--"I've been with a person who said he'd take me back into my past lives, and we did some exercises. I can play that game. I was supposed to have died on the rack in the 14th Century and then I was Pan at another time. I looked down and saw those cloved feet--right? Sort of a dreamlike thing my friend was taking me through. Could have been nothing but my creative imagination. I don't know. I'm open, but I don't find it relevant in terms of what I want to do. I think one can have ethics without getting into reincarnation."

Gilmore looked at him thoughtfully, and shook his head.

"There is reincarnation," he said, "I know."

Boaz dropped it. Sometimes, no matter how you might love a discussion, you had to sense when to drop something.

~~to taper off~~ they got into numerology. Gilmore's birthday added up to 21. In Tarot, that was the card for The Universe. 2 and 1 also made 3, a fortunate number, The Empress. In turn, Boaz' birthday summed up to The Emperor and The Fool.

"We're balanced," said Boaz, giggling.

"Yeah," said Gilmore, "we're good partners."

Numerologically, however, the letters in Gary made a seven, and Gilmore came to a six. Thirteen was the card for death.

Boaz didn't mention it, but he could feel that death vibration going right through Gilmore's life, and he thought, what a waste, what a shame he's down to the last week of his life. He was sad when he thought that he was one of the very few people to realize that Gilmore was serious about dying with dignity, and he told him so.

Gilmore nodded. "I'm ready to give you the interview," he said. He added then, "I'd like some help." They looked at each other, "Will you," asked Gilmore, "be my lawyer?"

If he agreed, thought Dennis, a lot of friends and a lot of lawyers were sure not going to understand what he was doing. It was going to be awfully difficult, media-wise. But what an opportunity. It would be such an experience!

"God," said Dennis, "do you know the kind of reputation I'm going to get for doing this?"

"You can handle it," Gary said.

Boaz nodded. He could handle it. He would do it. Still, he had to say, "I feel like Judas helping you get executed."

"Judas," said Gary, "Judas was the most bum beefed man in history."

Judas knew what was going down, Gilmore said. So did Jesus. Judas was there to help Jesus tune into the prophecy.

Now that they had agreed to work together, Boaz began to

ponder the tougher side of Gary. Macho to a certain extent. Of course, his concept of tough was a little weird in a violent sort of way. He had had to use a gun to prove his power after all. An ultimate type. Lived in ultimates. Must have been a very sensitive child. Unfortunately, sighed Boaz to himself, that sensitivity was not cultivated. Gary had been close to his mother, that stood out, but had always wanted recognition of the distant father. Who didn't? Boaz could say the same of himself.

~~At this point Gary said "I want to come every day" to the~~
~~Boaz and you're kidding. I will get to Boaz. Next to each~~
~~other, Gilmore with his tough patina and the Tender Dennis~~
~~and thinking of his eighth grade in Fresno and the criminal~~
~~element at that age in school who got girls and smoked and~~
~~looked at porno photographs and drank illicit booze, all the~~
~~while that he, Dennis, was still naive about all of it.~~

On the way out, Gilmore said, "I want you to come every day."

Boaz promised he would. He had been there close to three hours.

Sam Smith wanted to know how it had gone. He came up to Dennis in the hall and gave a smile. It was the first smile

Boaz had seen on him, and it was sarcastic. "Well, Mr. Boaz," asked Sam Smith, "are you really with us?" With Us?

It brought, in turn, a smile to Dennis' face. Here he was, a supporter of Life, and yet here he also was in this strange situation. The Defense Attorney buddying with the Warden. So he just said with a sarcastic smile right back, "Yea, I'm with you, Warden." Yea_h. All the way.

2.

((CONDENSE BOAZ basic bio to 2 paragraphs))

~~Even though they got to California a good five years after the Okies first started arriving from the dust bowl, Boaz' folks were touchy about coming from Oklahoma. All through the depression and the Second World War, Okie had remained a bad word in Fresno. It didn't matter that Dennis' stepfather was a staff sergeant in the army, and far from the pages of "The Grapes of Wrath", it was still a stigma. In the early Fifties, Dennis still had a drawl and would say things like "my brother, he. . ." In elementary school he even had to take a remedial English course. All through high school he would make up for that little stigma by getting good grades and working on diction. He made friends with kids from middle class parents. He wanted to establish his own independence from Oklahoma and be a Californian.~~

889

By '76, he was on a yo-yo. A couple of weeks of room and board with his mother which meant living with her annoyance that a successful young lawyer had let it all go, then a couple of months with a buddy who ran an after-hours club, then \$300 insurance came in when somebody stole a stereo out of his car. Next he painted a house for his real father. Dennis was living by his wits and enjoyed them. He loved to get really low and then struggle back up. Loved brinkmanship.

Finally he decided to go back to the law. It was related to some of his thinking about responsibility. His real father, Denver Boaz, was a pipe-fitter, and Dennis never wanted to lose his identity with the so-called working class, in fact, he'd even worked in college as a teamster, loading and unloading trucks. So now he took up this retainer for the Bus Driver's Union in Salt Lake to prepare a law suit against the bus companies for not allowing bus drivers to use CB's. As Dennis saw it, CB's could save lives in emergencies. So he was working with keen interest on that, and commuting by Saab between California and his Utah stint. It was on the last of those swings that he saw the dead man on the highway while coming back to Salt Lake to vote for Carter.

Now, one week later, his life was on the brink of great

change. He was ~~going up on the hill to~~ the State Capitol ~~with the Attorney General's elect of Utah, Robert~~
~~had looked at it often with its beautiful dome visible from~~
~~Hansons. One of the~~
~~just about anywhere below in Salt Lake, and Dennis was~~

~~feeling up. Today he was going to lay his calling card~~
~~right on the Attorney General's desk, and tell him that~~

~~Dennis Boas,~~
 Gilmore wanted him there tomorrow before the Utah Supreme
 Court, there to argue the right not to have a stay or any
 other delay of execution. ~~It would be no ordinary meeting, and~~

~~Dennis took his time going through the building, trying to~~
~~pick up the aura of old Mormons. He was after the whole~~
~~thing. He was trying to read right into all that righteous-~~
~~ness of not drinking coffee and tea, just milk and fruit juice~~
~~and water. You could feel the piety in the air. It was like~~
~~all the heavy piety in all courtrooms and governmental buildings,~~
~~except here it was without the old stale cigar smoke. There~~
~~might be less payola in this piety. Here it was pure reveren-~~
~~tial air. Like all of us are going to be present on Day One,~~
~~and the Lord will soon make His appearance. Here, even the~~
~~dew on the grass was leery of unchaste thoughts, thought Dennis~~
~~on the steps of the Capitol Building.~~

He had already visited Temple Square and looked at the
 Temple from without, as did all who were not Mormons in the
 highest standing and therefore had the literal, tangible key
 to enter. He looked at the building where the Mormon Taber-

891

Post
out

Curious at the similarity of the names, Dennis had in-
quired and had found out that the A.G. elect, Robert Hansen,
was no relation to Phil Hanson, former Attorney General
and best-known criminal lawyer in Utah. No, Robert Hansen
was not the lawyer Phil Hanson who failed to show up at the
jail after promising Nicole. This Bob Hansen, elected just
last week from assistant A.G. to ^A Attorney General, did not look
had in Dennis' eyes. Kind of friendly and curt. A well-built
good-looking right-winger, dark hair, glasses, sort of a Clark
Kent character - republican cabinet material. They talked
about law schools right off, and Boaz knew he had gotten to
a good space in Bob Hansen's mind when he said Boalt, and
Hansen replied that he had gone to Hastings. Right. Right.
It was all so neat and formal in this big walnut panelled
office with blue rugs, dark blue velvet drapes. Dennis felt
he was very soon going to learn stuff nobody else had much
access to. Fascinating. He was kept awestruck by how the whole
thing was beginning to open up. Like on the beginning of a
two-week acid trip. ~~Hansen was frowning, however. He had~~
~~something less agreeable to tell him.~~

The media, Hansen explained, were assuming that the Attor-
ney General's office was cooperating with Gilmore's desire to
die, even piggy-backing on it. Hansen, therefore, laid it out
for Boaz. The Attorney General's office was going to insist

892

that Gilmore would not die because he wanted to, but because that was the lawful proper sentence for what he had done.

That said, ~~however~~ ^{explained that} Hansen ~~got real straight about the~~
~~main difficulty~~ Boaz ~~he explained~~ would need a Utah attorney to sponsor him in the State Supreme Court. It happened that the Deputy Attorney General, Mike Deamer, had a classmate named Tom Jones who was in the office at this time. Tom Jones agreed to sponsor Dennis. It was all full of teamwork and smooth.

~~Preparing his case that night, the ironies began to visit~~
Dennis again. The Utah Supreme Court before whom he would argue had a reputation for being to the right of Barry Goldwater. These justices must be just about all Mormon--closest thing to a theocracy in the United States. Dennis decided therefore that he would be most effective if he were a little emotional in his argument. He hadn't done any criminal law since the spring of '74. However, he didn't feel lax. To the contrary, he felt competent and ambitious. There was, after all, no problem researching the law here. Hansen with all his assistants would be able to handle five or six times the output he could muster. So Dennis would do best, he decided, to appeal to the emotions of the judges, and give them sympathy for the idea that there was integrity and truth in Gilmore's desire to die with dignity.

Stat

MR. HANSEN: The State of Utah is not here to urge Mr. Gilmore's rights, the State is here to urge the rights of the people. . . I submit that the Stay of Execution granted in this case is. . . contrary to the constitution, contrary to the rights of the victim and his family, and contrary to the public interest as has been set forth by the laws of this state.

JUSTICE HENRIOD: Thank you. Which one of you gentlemen wants to address the court? You may proceed.

MR. BOAZ: Your Honor, the Supreme Court of the State of Utah. I find it both unique and ironic that the Attorney General's office and my client take the same position on this stand, not disagreeing with each other. I have reviewed the case set by the Attorney General and agree with their opinion. My client is here to acknowledge again that he. . . understands his rights, his absolute right to an appeal-- he does not wish to have an appeal. This is not a case where my client makes some kind of suicide pact with the state, or has some kind of perverse death wish, or is in an emotional or irrational state of mind, as has been somewhat arrogantly stated by former defense counsel. He is a man who is willing to accept the responsibility for his act, and he has asked that there be speedy and just execution as well as a speedy and just trial. In this particular case, who here in the courtroom can judge whether my client should not choose speedy execution as opposed to the lingering death that would accompany an imposed automatic appeal that might stretch into days, months, conceivably years. My client has a right and just expectation that justice be carried out. It is not for us to judge. None of us here have spent more than 90% of our adult life in the cages where the animals are. He has made an intelligent decision whether he wishes to continue his life or be executed. He is here acting in that capacity as a sane, responsible man who has accepted the judgment of the people, who has made peace with himself, and wishes to die like a man with self-respect and dignity.

What we ask today is that you give Mr. Gilmore his right, his freedom, his expectation that

justice be carried out. The law was set up to provide for execution in cases of first degree murder and he has so accepted that judgment and that is all he is asking of the court, that the motion for appeal be set and that the stay be vacated, and that he be allowed to die with self-respect next Monday. I now have some questions for Mr. Gilmore. Gary Gilmore, do you realize you have an absolute right to appeal? . . .

~~JUSTICE HENRIOD: Mr. Boaz, this is an extraordinary case and we are going to bend the rules so that everybody who wants to say something will have a chance within the time limits that we have so with that understanding you may ask him whatever questions you may like to ask him at this time.~~

MR. BOAZ: Thank you. Gary Gilmore, do you realize that you have an absolute right to appeal the conviction and sentence rendered in this case?

MR. GILMORE: Yes sir. . . .

~~JUSTICE HENRIOD: Mr. Gilmore, will you speak as loudly as you possibly can so that everyone can hear you because I am having a hard time hearing you.~~

MR. BOAZ: Did you previously indicate to your attorneys of record that you did not wish an appeal taken in this case?

MR. GILMORE: I told them during the trial and perhaps before that, that if I were found guilty and sentenced to death that I would prefer to accept that without any delay. I guess perhaps they didn't quite take me literal because when it became a reality and this did happen and I still indicated I still felt the same way, they wanted to argue with me about it. But it is a simple matter that when things become a reality to people, they don't take them the way they previously thought they would. They gave me no choice but to fire them, because they told me they were going to file appeals over my objections. Now I wasn't able to fire them in front of a judge and make the matter record simply because I don't have access to judges in court because I am in prison. But I fired them and they understand that. I understand also I have a right to fire a lawyer.

MR. BOAZ: Gary Gilmore, are you in fact at this moment ready to accept execution?

MR. GILMORE: Not at this very moment, but I am ready to accept it Monday morning--next Monday morning at 8:00 A.M. That is when it was set. That is when I am ready to accept it.

JUSTICE HENRIOD: I think in the interest of justice we should ask Mr. Snyder to state his position. I want this to be very brief.

MR. SNYDER: I would state for the record that it is my opinion that I have talked to Mr. Gilmore far more and far longer than Mr. Boaz has. It is my opinion that this type of decision facing Mr. Gilmore, has placed tremendous emotional stress and strain upon him. We have all had experiences, I think, where under times of emotional stress we have acted in matters which are not necessarily rational and which we would not otherwise act under other circumstances. . .What Mr. Gilmore, in my opinion, is attempting to do in this case is tantamount to suicide. He does not have to die.

JUSTICE HENRIOD: Mr. Snyder, I think every member of the Court knows you are simply repeating something that you placed in the Petition.

MR. SNYDER: I apologize for that, Mr. Chief Justice. I don't want to go into any more than what we have already said, but. . .I think that some psychiatrists would think that a person who has suicidal tendencies has--

JUSTICE HENRIOD: I'm sorry, Mr. Snyder, but we can't continue this thing all morning, and what you are doing is pleading the merits of the case, and that has been done in the trial court before a jury.

MR. SNYDER: I don't think we plead that at all. I think it would be a shame if this court at this point withdrew the Stay of Execution, and allowed Mr. Gilmore to be executed on November 15th without having reviewed and considered the substantial matters which are raised both by the trial conviction and the subsequent proceeding.

JUSTICE HENRIOD: Thank you.

JUSTICE MAUGHAN: . . .your concern then, as I understand it, is to make sure that as a matter of fact due process has occurred. . .

MR. SNYDER: That is exactly correct. . . We were appointed by the court to insure that Mr. Gilmore got a fair trial and that there was no error and the process of the trial ought to have been reviewed by this court, particularly when you are talking about something as substantial and as serious as death.

JUSTICE ELLETT: You are no longer in it. You have been relieved, you have been supplanted. . .

MR. SNYDER: I understand that. . .

JUSTICE ELLETT: Why won't you accept in good grace his firing you, like he is willing to accept in good grace the sentence of the Court?

JUSTICE CROCKETT: I think that counsel has done what they conscientiously think they should do and I think we should not criticize them for what they have done. But, we have a different situation now and we all appreciate it.

JUSTICE HENRIOD: Mr. Gilmore, is there anything that you would like to say at this time without being asked any questions?

MR. GILMORE: Your Honor, I don't want to take up a lot of your time with my words. I believe I was given a fair trial and I think the sentence is proper and I am willing to accept it like a man. I don't wish to appeal. I don't know exactly what the motives are of Mr. Esplin and Mr. Snyder. I assume they are concerned about me, but as I said, they understood my feelings before this happened. I know they have professional careers to consider--maybe they are catching some criticism they don't like. I don't know. But I desire to be executed on schedule, and I just wish to accept that with the grace and dignity of a man and I hope you will allow that to be. That is all I have to say.

897

5.

Gary and Dennis were in a room together when the result was brought in. The Utah Supreme Court had lifted the stay. Monday November 15th, Mr. Gilmore would be executed.

Gary was content with the result, Dennis thought. In fact, he was elated. "This man is determined," Dennis said to himself. "It brings him peace to know he's leaving all this." In a few minutes, Dennis would be saying as much at a press conference.

"You can have," Gary said now, "everything you make off the writing." "Oh, no," Dennis said, laughing, "I figure 50/50. It just seems fair."

It was the first time they had discussed terms. 50/50 it would be. They didn't even bother to draw up a paper. Just shook hands.

~~Secret News~~

~~Gilmore Pleads in Persecution~~

~~Salt Lake, Nov. 15 - Handcuffed and his feet shackled, Gilmore was led into court chambers in the State Capitol Building. Security was tight. When he departed, a crush of reporters and cameramen engulfed the man.~~

898

~~these words. On the contrary, he seemed altogether sane.~~
~~That had also impressed him, he said. The family ate thoughtfully~~

November 10

Dear Gilroy,

He vuzz justa keed! I've been debating wether or not
to write, but I decided just to drop a few lines and enclosed
a few dollars, I'm sure you can put it to good use.

I've heard a lot concerning you on the news; you know
you've got more style, class, and guts than anyone I've ever
met.

There is something I want to say and as you know I'm
not good with words such as you, so I'll just come out and
say it.

I don't know what kind of funeral arrangements your family,
relatives, & Nicole have made, but if there is anything I can
do to help out financially just let me know who and where you
want it sent.

Geebs

III THE SOB SISTER

About the time ~~/~~everybody was finding out they couldn't get an interview with Gary because of those darn prison requirements, Tamera Smith noticed a great interest beginning in Nicole Barrett. The word was out that she was seeing Gary every day, so everybody was trying to get an interview. Nobody had been successful, except for a fellow on Channel 5 who talked with Nicole for a few minutes on the air one night, and Tamera thought she was not at her best on that. Nicole looked terribly peaked and worried, like a drenched little bird.

Anyway, a fellow reporter of Tamera's on the Deseret News named Dale Van Adda, happened to be complaining how hard it was to get to that girl, so Tamera said, "I've met her before. Would you like me to try?"

Van Adda looked at her for what she was, girl reporter out of college, and said, "I don't think it will do you any good," but he called up the prison, and Nicole happened to be in the Maximum Security Visiting room. Dale got her on the

phone right off. Tamera wasn't expecting to talk to Nicole that quickly, and hardly knew what to tell her, except that right away, Nicole remembered who she was, which was a nice surprise to Tamera. She said, "I wonder if you'd like to get together and talk a little." Even on the telephone, Tamera felt the thought go all the way in. Nicole always received the things you said so seriously. Like she took even the most casual remark all of the way into herself. It was as if the only time she trusted herself to give the right answer was if she got all of what you laid on her. Now, after a pause, Nicole said she really wouldn't want to talk, but there was something about the nice way she answered that was encouraging. Tamera asked Nicole if they could do it off the record. Again, there was the pause, and then Nicole said, off the record, that would be OK. She said it like she was really seeing a hand lift the arm off the turntable. Tamera told her she'd come out and pick her up at the prison. That way Nicole wouldn't have to hitchhike home. They could talk on the ride. ✓

Therefore, Tamera was standing out in the parking lot, stomping around in the early November snow and shivering, when Nicole came down the walk from Maximum, looked around, saw her, gave a nice smile and came over. Right off on the drive, however, Nicole started looking sad again, and soon

mentioned that her grandfather had died, and his funeral was going to be in two days. Then she began speaking about Kip who had also died just a day or two ago, then on top of it all, mentioned that Gary was pretty excited today because he had won in front of the Utah Supreme Court that morning. Now he was probably going to face a firing squad on Monday. What surprised Tamera the most was that Nicole didn't appear that upset; she was still and calm, just sitting in the car, smoking away quietly, one of those people who looked like they really enjoyed a cigarette. Somehow the drive couldn't have been more natural.

Since it was getting a little closer to that good intimate mood they had reached back last summer, Tamera stopped in Provo to buy Nicole lunch, and they must have talked for a good two hours there at J.B.'s on Main Street, eating Big Boys, and going for the milkshake. J.B.'s was usually jammed with college kids, but this was the middle of the day, and it was pretty empty. Before long Tamera could feel how Nicole was getting off on talking to her.

The time she had met her before was back in August for Gary's second preliminary hearing. Tamera was working then as a Provo stringer¹¹ for the Deseret News, a job she got on the basis of the work done at BYU on the Daily Universe. From

all that college journalism, she was already used to a police beat, but this was the first case she covered as a professional, and once in court, she found it was Nicole who captured all her attention.

When they brought Gilmore into the room, shuffling along in leg shackles, there had been this girl sitting in the front row who he stopped in front of, and kissed, and Tamera knew right away, of course, it had to be his girlfriend. She even heard him say, "I love you." Tamera found herself having this immediate empathy for the girl. Gilmore didn't look anything really overpowering right then, just a regular criminal, hard looking, almost sleazy, with a marked-up face. Tamera felt humiliated for him having to be in leg manacles, walking in short jerky steps like he was a spavined monster or something, but it was the girl who drew her, in fact, absolutely fascinated her by her looks. The girl had a kind of mystique about her, a sky glow, Tamera thought, almost like an old movie star. The drama of it came right over Tamera. Now, there's another woman in the story besides the widows, she said to herself.

After court, Tamera hung in the background and watched Gary kiss Nicole goodbye. Then she watched Nicole follow him right up to the police car, and wave until he was completely out of sight, and then start walking toward her own car looking

kind of dejected. ~~You could tell she'd gotten herself all
sixed up for him cause she was wearing a long dress that was
kind of old-fashioned and demure. Tamera, watching, felt so
tall and gawky and dirty blonde that she kept going "Oh, Oh,"
to herself, you know, at how beautiful Nicole was. She even
waited until Nicole was clear across the street and into her
car. Then Tamera couldn't stand it any more. Just had a
compelling need to talk, and sprang across the street to do it.~~

At the time, it had nothing to do with a story. Nicole had no information Tamera needed, and Gilmore was just a routine case. But Tamera wanted Nicole to know somebody cared. So often, especiaally in a town like Provo, everybody took the side of the victims.

At the car, she said, "My name is Tamera Smith, and I work for the Deseret News and I saw you in that courtroom. I'd like to talk, but it's not for a story, just as friends. I wonder if you'd like to get some coffee. You must have a lot on your mind right now." Nicole kind of hesitated, then said, yea, she'd like that, so they got in her car, which drove in the most awful way, you never knew which gear it would go into, and Nicole mentioned it had been in an accident a few days before, and they went down to Sambo's and talked.

The girls told each other about themselves, in fact,

Tamera found herself rattling away at a great rate. She was amazed that she even told Nicole how her father had died and ever since she had this hunger inside herself, this terrible empty space that just kept her moving all the time. Then she confessed she'd been writing to a guy who was in prison, and her brothers and sisters, who were all as devout Mormons as you could find, and her stepmother as well, had been terribly upset about it. But this prison fellow had been wonderful, however, had written to her all the time, and she'd even gone to visit him in Kentucky. That certainly opened Nicole up. She talked about Gary.

All the while Tamera was enraptured with her. It wasn't that Nicole was a striking beauty, and yet she was. She had such an air of calm. Tamera thought it was like sitting on the porch for all of a hot July afternoon, as if Nicole had a spell to her or something, just that lone calm feeling. From some of the stories she was telling, Tamera figured she really had to have a big temper, but she was so calm that day, very, very serene.

When they said goodbye, Tamera gave her telephone number, and said, "If you ever need help, I'd be glad to see you." That was it. The paper didn't assign her the trial and she had no more to do with the case. She and Nicole went their separate ways. She almost forgot.

905

2.

They had been eating hamburgers and onions in Sambo's that last time, and Tamera kept remembering the funky smell of old onion and catsup on her fingers as they talked. Now, at J.B.'s, having a B/g Boy, it was kind of incredible to listen to Nicole because, hey, wow, Tamera didn't know if Nicole had no friends at this time, or whether there was nobody in her family she could trust, but she sure let the flood gate go. Right over those hamburgers, she told Tamera how she was planning suicide. Told Tamera strigth up, all those deaths hanging on her, Kip, her grandfather, Gary soon. Tamera could see she was afraid to face suicide, had a lot of mixed emotions.

What really made Tamera want to cry was that here Nicole was waiting out her death date just like Gilmore. Every time he would get a stay, she would too. It was making her nervous, Nicole said. She told Tamera Gary had a vision of what life would be like after death. When she

906

was around him, Nicole said she felt convinced he was right and had no fear. But when she got away, she did feel afraid again. She wanted to talk about it.

It was mind-blowing for Tamera. Her friends were always kidding her for being ^{such} an emotional person anyway, and Tamera ~~had~~ agreed. She always thought she was one of the

most divided people she knew. So devout and true-believing on the one hand, so crazy with her impulses on the other. Why, to anyone but herself, she would have been a mess. To grow up with the Doctrine of Covenants, and believe all of it to this day, yet go hog wild over the Rolling Stones. Her roommates at BYU used to say that if she didn't gush, she'd overflow--there was such lava inside. Now, to get handed this story. It was the biggest story she'd ever come near, yet at the same time she was worried stiff over Nicole. Worried about her with the same kind of fear you would feel if you had to meet God with no railing to hold onto. Tamera sometimes knew such fear when she had not been a good Mormon. It was an awful thing to wake up with in the morning. Wondered if Nicole now felt that all the time.

She hadn't planned on prying. They'd just been driving along and after they got to the restaurant it had been casual for awhile--"I notice you got your hair cut,"--such conversation. Then Nicole asked Tamera what she thought dying was like, and the after life. It hit Tamera. Hit her hard. She looked at Nicole, "You're not thinking about killing yourself?" she asked. Nicole said right back, "Yeah, I am." "What about the kids?" Tamera asked.

Nicole said. "I'm not a good mother anyway." She looked

like she would cry. She didn't, she confessed, treat them nearly as good as she wanted to. Tamera asked if she and Gary talked a lot about this suicide, and Nicole looked back, and said, "That's all we ever talk about."

Tamera was burning by now to write a story.

On the street, outside Nicole's building, which looked like a little two-story motel, they could see a van from a Salt Lake TV station. Sure enough, they were no sooner on the stairs that led to the second floor balcony, when a cameraman and a reporter rushed out of a waiting car. By the time Nicole had picked up Jeremy from her neighbor, Kathy Maynard, he was up on the landing with them. "You Nicole Barrett?", he asked. "I'm her sister," Nicole said, and readjusted Jeremy on her hip. "No, you're Nicole," the reporter insisted. She looked back calmly, "I'm her sister. She's up at the prison." "You're Nicole, I recognize you," the reporter said. "No, I'm the sister." She and Tamera just walked away, strolled down the balcony and into her apartment. The moment the door was shut, they began to laugh. It all emboldened Tamera to ask a little later if she could write the story after all.

That happened after Nicole got out some of Gary's drawings. Tamera told her she thought they were awfully talented. She said people ought to know more about Gary's life. It was a

good argument to use, and Tamera believed it, too. In fact, looking at the drawings, she felt he must have an intense inner life. The drawings were so sorrowful and so controlled.

Sitting there, she told Nicole about the boyfriend who was a convict. Tamera had met him while doing an interview at Provo City Jail when she was still at BYU. Here was this guy in a cell who was warm and good looking. It was an unhappy case. All he'd done was steal a bunch of credit cards and cameras and stuff. She had fallen in love with him right off the bat. Then she got truly nailed because he wrote magnificent love letters and she corresponded with him for a year and a half. Sometimes she got as many as seven letters a day. It was the nearest thing to filling the cavity in her heart that her father's death had left. His letters kept saying, wow, you're so beautiful, and I've never met anyone like you, your understanding and your patience has overcome me. Wow, wow, wow, his letters went.

She told Nicole how she'd even gone and taken a bus to Kentucky after he sent her money, and she spent 6 hours a day visiting him every day for a week. Her family thought she was off her rocker, but that was precious time.

It was a minimum security prison, and they sat on the lawn and talked and read together out of books, and she had never

felt as close to anybody in her life. Her roommates were agog when she got back. They fixed her up with a nice guy for her birthday, but after she returned to the apartment and said good night to the date, seven of her roommates suddenly jumped out of the bedroom and they were all wearing T-shirts with her boyfriend's prison number across them. They flashed water pistols, and kidnapped her, and took her to this restaurant. She guessed she was kind of a legend at BYU because of such strange things always happening. Her roommates even took pride in the way they had learned to handle it all in passing. "You never know what's going to happen next in Tami's life," they learned to say smugly about her.

When her boyfriend got out of prison, he came back to Provo and got a job as a carpenter. About three weeks later, he took Tamera's car, loaded it up with everything he could get out of her house and the house of the fellow he was living with, and drove off. Tamera hadn't seen him since.

Having it end like that, she wondered how close she had ever been to that boy, or how close anyone else had ever been. His whole life had to be a constant con. He had told so many lies that she wondered how she could have felt so close. They hadn't been sharing the same truth even^f, she said to Nicole.

1007
(911)

Yet at the same time, there had been some kind of truth, some kind of real closeness. They certainly had gone through a lot together during the time they knew each other.

3.

Now in the silence that followed, Tamera really couldn't hold it back any longer. She was so excited, she said, "Please, let me just--" She gulped. She said, "Look, this is what I'll do. I'm going to find a typewriter, write a story, and bring it back and let you read it. If you don't like what I do, we'll just forget about it, you know. Because, after all--I said it'll be off the record," Tamera went on, "so if you still want it that way, it will be. But I got to try."

She left. She found a typewriter. She went over to an old roommate's apartment and told her what was going on and sat down and started. It felt weird. There were so many constraints it took a couple of hours to write a couple of pages and bring them back, and Nicole, reading, took it all into herself, and looked up and said, "No, I don't feel good about it." Tamera said, "Okay, that's it, then."

She felt disappointed, but, big deal--she'd just have to wait. She wasn't going to violate the agreement.

912

The disappointment must have been scratched right into her face, because now Nicole felt bad too. Tamera said, "Don't worry. That was our agreement." But Nicole got up and went over to a cabinet, and said, "Well, I'm gonna show you something I never showed before. Would you like to read Gary's letters?"

That was another heavy thing in what had been a heavy day. Tamera said, "Sure." Nicole took this drawer full, and dumped them on the table. There were so many envelopes Tamera just started reading at random. She couldn't believe it. Right off, she picked one out of the pile that had some really good quotes, and she said, "Nicole, would you mind if I wrote down a couple of these sentences?"

They came to a kind of agreement: Tamera wouldn't do any story now, but after Nicole was gone, Tamera could write anything she wanted. So they both sat there at the kitchen table and read letters, and Tamera copied quotes as fast as she could. She finally left about 8 that night. They'd been together since noon.

Usually on the drive from Provo to Salt Lake, Tamera took it fast and got a lot of tickets and went along with her radio full blast. On this night she poked along at 50,

913

and tried to think. She didn't know what to do. She couldn't sleep and by morning, decided to tell her editor. It all seemed too big. So, in his sanctum, strictly off the record, she told him that Nicole was planning to commit suicide when Gilmore went, and her editor remarked how he had heard as much out there in the newsroom from other reporters. There were a lot of rumors going around. This new information, however, convinced him. He was going to alert the authorities. That made Tamera feel better. She soon developed a plan in her mind.

She had got to thinking that what Nicole needed most right now was a friend of her own, and Tamera was going to be that friend. She would get her out doing things, out from under that huge burden of living with Gilmore in her mind all the time.

4.

Today you kissed my eyes, you have blessed them forever.

I can see only beauty now. Oh, fair Nicole Kathryne Gilmore. . . .

~~You're a little elf sweet and neat and fun to eat. I'm not a great poet -----But if I had you naked on a bed or on the grass beneath the stars I'd write such a love song all over your fair freckled body with my tongue and my hands and my cock and my lips and whisper softly of your beauty, make you~~

914

~~feel and see and sail and sing to dance around the sun and
moon and become as one and come as one and come and come and
make you moan soft sighs wild eyes rolled back abandoned lusty
sweaty wet and warm wrapped tite around mouths locked in sweet
wet kisses kisses kisses -- look at you naked love to look at
you naked or just in knee socks pull your panties up in the
sweet crack of your little bouncy elf bootie loved to watch
you walk around the house without your clothes on, know you
felt my eyes on you -- you got the prettiest legs I've ever
seen and the rest of your body is simply great -- big nipples
sexy elf girl. I love you -- Your Gary~~

Gibbs

There was also a letter for Gibbs that day. Gary gave
a rundown on the letters he was receiving.

So far, I've gotten one from Napoleon, one from Santa
Claus, several from Satan, and you wouldn't believe how many
postmarks and return addresses Jesus Christ himself uses. . .
People think I'm crazy. Ha ha ha.

You'll never guess who I got a letter from. Brenda!
First she helps them catch me, then she helps them convict
me, now she wants to write and visit. She's got more balls
than a bull elephant.

The next day, Thursday, as soon as Tamera came into
work, she got a call right away from a correspondent for

Time magazine in Los Angeles. He heard she'd been with Nicole. Wanted to know if she had a little information to pass along. Pressure was also coming down on her editors. They were complaining about having to stall old newspaper acquaintances. It was the first time Tamera had really seen how much the newspaper business was like a marketplace. "Here, I'll give you a piece of my story today, if you take care of me tomorrow." She had always thought it was closer to the movies: you went out by yourself and brought it back alive.

At this point, the Deseret News took Tamera off other assignments, and the news editor said, "You're on Nicole. Do what you have to do." When she looked blank, he added, "I don't care if you have to bring her up to Salt Lake, and have her stay with you at your house. I don't care if you have to take her out to dinner, or what it costs. Do anything, but don't lose that story." Well, this was more like what she had thought it would be. Then the guy from Time magazine called back to say he wanted quotes and when she told him, "This is between me and Nicole," he said, "Well, she's given an interview to the New York Times." Tamera just thought, "WHAT??" Just yesterday, Nicole had told her of turning down an offer of \$2000 from the National Enquirer and also refusing the Times. So this piece of news made Tamera feel a little ticked.

916

Later that morning, therefore, as Nicole was coming out of prison, Tamera was waiting and said, "I got to talk." When she brought up the interview with the Times, Nicole said, "That's ridiculous. I'm not talking to anyone."

"Well," said Tamera, "I just want you to understand my position. This is an important story. I'll keep the secrets you told me so long as you also keep them." Then she looked real straight at Nicole. "But as soon as you start talking to other media people, I don't feel bound to honor our agreement. If you want to earn some money on this thing, you're totally justified. If somebody can pay you, that's great. But I want you to know I'll write a story too when that happens."

Nicole just said, "Agreed." That was the understanding. They were still friends. All of Tamera's anger went away. She just loved Nicole again and started making plans for what they could do on Saturday, her day off. Maybe they could go up to the mountains. It would be a good idea to get out. Nicole agreed.

5.

Then they went over to Kathryn's house and had whole wheat toast, and talked, and in the course of that, Nicole whispered that she wanted Tamera to keep Gary's letters. She didn't want her mother to see them after she was gone.

Next, Nicole and Kathrynne got into the most impossible conversation. "By the way," Nicole said, "I'm going to the execution Monday morning." Kathrynne said, "Sissy, I don't want you up there at that."

"Well," said Nicole, "I'm going."

"If you are," said Kathrynne, "I'm going along."

"Gary didn't invite you," Nicole said.

"I don't care whether he did or not. I'm not going to see his execution. I'll be there to wait for you."

"No," Nicole said, "I'll go myself."

"Get it straight, kid," said Kathrynne, "get it straight. I'm taking you there."

Then the news came over the radio. None of them could believe it. Governor Rampton had issued a stay. Gary's execution had just been delayed again. That was what the radio announcer kept saying in a particularly excited voice.

Tamera was sure glad her editor had said to stick with Nicole. Otherwise she might have lost her head, and run back to the newspaper to see if they needed her. Instead, she could offer to take Nicole over to the prison again, and on the way, Nicole gave her the key to the apartment in Springville, and told her to go back and pick up the letters, and hold them.

All of that twenty minute trip to the prison, Nicole still

looked calm, but Tamera knew she was stunned. What came off was one clear message: Gary was certainly going to commit suicide, and that was bringing her own death very near.

She started talking to Tamera about her mother-in-law, Marie Barrett. She really liked Marie, she said, liked her a lot better than Jim Barrett if you got down to it. Marie was a groovy lady and really loved Sunny and Jeremy. ~~Nicole said she would have always gotten along with her super, if Marie hadn't been such a housekeeper. Nicole liked to keep the house clean, but her mother-in-law had to do it her way. You couldn't live with her too long without friction developing. Other than that, she was terrific.~~ Nicole had about decided Sunny and maybe Jeremy ought to grow up with her after she was gone.

Then she told Tamera about the last time she saw Marie. It was just after Kip was killed in the rock slide. She told Marie then ~~about~~ ^{that Kip was (?)} Jeremy's father, and Marie only answered,

"You know, Nicole, you never told me who he was."

"Now, Gary will be gone soon," Nicole had said. "I don't know what there is about me."

She had been sitting at the kitchen table, feeling miserable all over. Marie said, "Nicole, maybe next time, you'll find a fellow you can have a good relationship with. Just be

more careful. Check him out a little more before you get married."

Nicole said, "There won't be another time."

"You're through with men?" Marie asked.

She almost gave it away. Nicole said, "I don't know what I mean, but there won't be another time."

Marie started asking her what would happen to the kids. Nicole said, "If something does happen, would you take them?"

"Sure I would," Marie said, "you know I would. Only nothing's going to happen to you."

"Later that day," Nicole said, "the cops came around to Springville and knocked on the door and kind of looked me over." Just made polite conversation at the door, and she asked as natural as she could, but she knew Marie had sent them. Nicole would still trust her with her children, but didn't know about confiding in her personally. Tamera took it as a message.

Anyway, soon as she dropped her at the prison, Tamera returned to Nicole's apartment, got the letters, put them in a grocery sack, and then searched the place to see if she could find a gun or sleeping pills. Didn't know what she was going to do if she did locate something, but she made the search.

IV--IN THE EARLY REIGN OF GOOD KING BOAZ

The Provo Herald

Gilmore Will Plead Case Before Board

Nov. 11, 1976. . . Salt Lake City (UPI)-- Gary Gilmore won't get to keep his date with death Monday.

The 35-year-old killer, who had personally persuaded the Utah Supreme Court to let him die "with dignity, like a man" before a firing squad next week, was given an unwanted stay of execution Thursday by Utah Gov. Calvin L. Rampton.

Rampton asked the Utah Board of Pardons to review Gilmore's conviction at their next meeting on Wednesday, November 17, and decide if the death penalty is justified.

Gilmore, an Oregon parolee who had already picked a six-pack of beer as his last meal, said he was "disappointed and angered" by the governor's action.

In a statement dictated to his attorney, Dennis Boaz, Gilmore said, "The governor is apparently bowing to pressure from various groups who are motivated by publicity and their own egotistical concerns rather than concern for my 'welfare.'"

"People opposing the execution are hypocrites," Boaz said. "They are not acting on Gary's behalf. They are doing it for their own motives. He has a right to individual justice."

921

Earl Dorius out in Phoenix was bombarded with the news. Everybody was stopping him in the lobby and corridors of the hotel and motel, saying "What's going on in Utah?" People were whispering during the seminars. Earl felt as if the conference was by now just totally destroyed for him. He couldn't listen to anything. Kept racing back to his room to catch the news. If he wasn't on the phone, he was flipping the stations on the TV set. "What do you think of the governor's action?" everyone was asking him. "I haven't had a chance to research it," he would tell them, "but it's my impression the stay was improper."

"Why improper?"

"Because it was granted at the request of outside parties." He realized he was closer to the office at this point than to the conference, and decided to check out of Phoenix and get back to Salt Lake.

Deseret News

Gilmore Story is Front Page News

November 11, Salt Lake. . . The decision by the Utah Supreme Court to allow Gary Mark Gilmore to die before a prison firing squad was front page news today in the New York Times, the New York Daily News and the Washington Post.

922

The New York Times

Nov. 11, 1976--Detective Glade M. Perry of the Provo Police Department was one of the volunteers for the firing squad. "Somebody's got to do it," he said, "and we've got the guts to put our lives on the line every day."

A gray-haired, elderly man, who was interviewed on the streets of Provo and refused to give his name, said: "The parents of the boys that Gilmore killed should be given the chance to shoot him."

Sheriff Ed Ryan of Ogden said that in the past he received dozens of requests from people who wanted to serve on a firing squad, but he added:

"Most of them talk big but they'd have buck fever if the time ever came to do the job. I don't care what your personal feelings are about capital ounishment, it's a messy job. One of the men on my force participated in an execution nearly 20 years ago and he swears he's sorry he ever did it--it still bothers him late at night."

Los Angeles Herald

Nov. 11, Salt Lake-- . . . Gilmore let it be known that his choice for the condemned man's traditional last meal was a six-pack of cold beer.

"Gary's on a real macho trip, that's for sure," Boaz said, "but he's not that cold-blooded. He tells me he feels guilt about the motel manager he killed, and his execution by the firing squad will help clear away his sins. He believes in karma, and that he will suffer pain for what he's done. He also believes in blood atonement, and that the soul evolves and there is reincarnation and that the manner in

923

~~whether Tom Jones had the ideas to go with opportunity. Probability was that he amounted to little but an obstruction. Of course, that was part of the balance. The greater the opportunity, then the more dangerous became the most minor obstruction. A beautiful woman was at the mercy of a pimple. A few days later, Dennis actually had to get Gary to fire Tom Jones when he didn't really want to, but Boaz said him or me and he won. It took off a little of the good feeling between Gary and himself, however. Removal of the pimple left a mark.~~

~~thing is, there were so many valuable things to get done. From the beginning, Dennis was looking to give out thoughts that would bring people face to face with stuff they had never pondered before. Dennis was looking to make a few shocking statements about public executions and get the people thinking. Make them ask themselves, "Why do we have executions behind locked doors? What are we ashamed of?"~~

[Dennis]? (vv) [...]?

The Herald

Provo, Nov. 12, 1976--Boaz said he plans to "make some money" from Gilmore's story and split it 50-50 with the condemned man's family and any charities he may choose.

He also suggested that his client be shot on prime time television as a deterrent to other criminals.

"I couldn't have gotten involved in this

924

case unless I believed in capital punishment," Boaz said. "I think executions should be on prime time. Then we would get some deterrent out of it."

Utah State Prison officials have decided not to allow reporters to see Gilmore's shooting if it takes place--let alone show it on TV as Boaz has advocated. It is the first time in state history that representatives of the news media have been barred from covering an execution.

The Salt Lake Tribune

Bar Shuns Action on Gilmore's Lawyer

Nov. 12, 1976--The Utah State Bar's executive committee Friday discussed the reported activities of writer-attorney Dennis Boaz, representing condemned killer Gary Mark Gilmore, but decided it had no jurisdiction in the matter.

"We have no power to censure him; he is not a member of the bar," a member of the committee explained. The bar must assume that the Supreme Court checked Mr. Boaz's qualifications and "right to be present."

Chief Justice F. Henri Henriod of the state's high court said Warden Smith checked California and found Mr. Boaz "to be in good standing there."

The Bar considered the Boaz matter after two of Gilmore's former attorneys--Craig Snyder and Michael Esplin--complained about the California attorney.

The committee's concern was about published reports that Mr. Boaz signed an agreement with Utah State Prison Warden Samuel W. Smith that he would serve only as an attorney for Gilmore, then talked freely about his intentions to "serve as a writer first, a lawyer second."

POSS
OUT

Boaz

Just as Dennis was coming into the prison, Sam Smith called him over and said, "I heard there was an interview with

a London newspaper this morning. Do you know anything about that?"

Dennis was in a real state of excitement. David Susskind had just been on the phone. He was interested in doing a movie on Gilmore's life. There could be large money at the other end, and real moral responsibility. No matter how much money, he would have to keep the story open for everybody. Dennis' mind was racing.

"The London newspaper?" he said to Sam Smith. "Oh, sure, I set it up."

Sam Smith blew. Dennis had put this smirk on, and the warden's face got red, unusual color for a pale man. Then he shouted. Every employee in the offices at that end of the hall popped their heads out. For that matter, Dennis was startled too. Nobody was used to Sam Smith yelling.

Smith said he was going to file suit and call the Bar. Dennis said, "I couldn't care less, warden." He was beginning to take personal pleasure in looking for statements that would rile Sam Smith. There was something about Sam's skin that inspired you to get under it. Maybe it was the film of secrecy that man exuded, like his skin was a condom he pulled up over himself.

Dennis even laughed when the warden had him strip-searched

926

just to be vindictive. It was a comedy. ~~The guards came up~~
~~to his armpits. Why, just the day before, they'd been so im-~~
~~pressed with the way he acted before the Utah Supreme Court, they~~
~~even let him bring his typewriter in while talking to Gary.~~

~~that day,~~ after he got through the strip-search and was
taken into ^{the} maximum, he met Nicole. There was a slitted window
along the south end of the visiting room, and there she was
sitting on Gary's lap, right at that end window, both of them
looking out ^{at point of the moment}. She didn't pay much attention to Dennis at first.
Necking with Gary was all she was heeding.

Still, when she came out of it, Dennis thought she had a
sweeter, more innocent-looking face than he had anticipated,
and a melancholy wistfulness he definitely liked.

All the while, Dennis couldn't help noticing that Gary
was jealous. For that reason, Dennis didn't try to hard to
get the conversation going until she began to talk. Yet, be-
fore she left, Nicole asked Dennis if maybe he could help her
get a divorce. Gary glowered at that. He didn't like the budding
friendship whatsoever. Looked like he thought Nicole was
flirting when all she was telling Dennis was that her grand-
father's funeral would be starting in an hour or so.

927

2.

Once Dennis was alone with him, however, Gary hardly gave him a chance to talk about Nicole or Susskind's offer. He was too fired up over Governor Rampton, and the subject proved infectious. Dennis loved the way Gary could pass you his steam. In fact, Dennis felt like a boiler, all fired up himself at what he could say about the Governor. So he held an impromptu press conference with a few reporters on the steps of the prison, right in the cold November air.

He'd been having press conferences practically twice a day since he and Gary won at the Utah Supreme Court and he kept telling the press over and over, that he was there to represent free and open dealing and would present his life as an open book. He might get roasted, but his responsibility was to be very Aquarian and open, even report things about himself and his feelings that might seem strange. ~~At least the people would be getting open treatment and manipulation. The press could misquote him, misrepresent him, take his remarks at random and distort them. It didn't matter. He wasn't going to flatten his personality.~~ In fact, right after he came out of the Utah Supreme Court, he had told the reporters he was in Salt Lake because he thought it had a higher

percentage of beautiful women than any city he'd been in. Plus the fact, he told the press, that a lot of these women like to meet Californians. For the taste of evil. There were millions to be made here, he said, importing California consciousness. Really, he said. Of course, they never printed a word of it. They probably couldn't spell the names he gave them. He told them how he had talked to the Birkenstock distributor in San Rafael and wanted to bring Birkenstock sandals here (which any good Rolfer could tell you were better than earth shoes.) Why, a Rolfer would judge someone who wore earth shoes as a shlunk.

The press responded by asking about his financial affairs. "I have nothing to hold back," he told them. "The fact is, I owe \$10,000, actually about \$15,000, if you include not only what I owe creditors but friends. I have no shame about this. I made a bad investment once, and immediately found the whole thing bellied up, money gone."

The word in response, he soon learned, was that he was playing Gilmore for the money. He didn't care. The word would turn around when they realized he wasn't. ~~"Where are you from, Dennis?" they would ask, and he would say, "Two fine people, Denver Boaz, my father, Ida May Kelly, my mother. I was born, if you're interested, three days before Hitler~~

He told them ^{days} ~~one~~

"Salt Lake City is 21 and reduces to 3 which is a number al-
chemists attributed to salt. Salt Lake. There's a resonance
to numerology, a super synchronicity implicit in the scene. I'm
not a numerology nut, of course. ~~could tell~~ I believe
in free will too much for that. Free will is paramount. But
numerology can be an excellent exercise of the mind for some-
one like me. It keeps me sensitive to patterns. Every spir-
itual discipline reveals a pattern, after all. Then you choose
your route through the patterns. That's where free will comes
in.

"What are your plans for the future, Dennis?" asked the
press.

"I'm going to teach a course," he told them enthusiastically, "at Westminster College, going to call it, Human rights--
Society and Symbolism. I've got a thesis that our fundamental
rights are found in symbols of 7,000 years ago. It'll be a
course in Sufism, I Ching, some numerology, astrology, Hindu
Tantra, the Tao, Confucius. I'll tie it all in."

"You say you have a great many debts?"

"I announce my debts," said Boaz. "I also owe \$2100 to
Mastercharge, but I won't pay that. A friend embezzled with
my Mastercharge card. That's Mastercharge's affair, not mine."

They wanted to know what he had published. He had not

published yet, he said. Did he write under his own name? He wrote under K.V. Kitty, under Lejohn Marz. Another pen name was S.L.Y. Fox. Fox, he told them meant 666 the sign of the beast. Of course they had never heard of Aleister Crowley.

They tried to bring him back to the subject. What did he think of Governor Rampton's decision? It was monstrous. They could quote him. He was always surprised at how little they quoted him.

~~Not would they print what he said next, but he would tell them. "Gary lives," he said, "in a cell so narrow he can touch both walls. The light is on 24 hours a day. Guards beat on the bars. The noise confounds a man's last thoughts. Gary puts a towel on the bars to keep the light out. 'Take it down,' they tell him, 'or we'll come in and remove your mattress.'"~~

~~"Dennis, who does the talking when you get together?" they asked. "Do you tell Gilmore what to do?" "Gilmore does most of the talking," Boaz replied. "I just throw in puns. At times, Gary says to me, 'Listen, I don't like to be interrupted. Sometimes, if I'm interrupted, I just stop talking.'" Dennis nodded his head. It did not matter if they got a tenth of what he said. Let them miss the ironies. When you put~~

~~think that's wrong, Boaz.~~

"What do you and Gary talk about?"

"We talk," said Boaz, "of evolution. Of the evolution of the soul. Gary speaks of Edgar Cayce and the Akashic Register. We discuss karma and the need to take responsibility for our deeds. We are like gods and goddesses. The only way to have total freedom is to have total responsibility." They never printed any of this.

They were just interested in his credentials. A reporter read aloud a statement by Craig Snyder: "Boaz never contacted us. I was in Utah Supreme Court, and we argued opposing viewpoints, but I was not introduced, and I've never spoken to the man. To my knowledge he has never examined the record or found out what happened at the trial. His publishing agreement with Gilmore flies right in the face of the Canon of Ethics." "Where did he give the statement?" asked Dennis.

"At the Adelphi Building, where his office is, in Provo."

"That's a place with yellow shag carpets and brown and yellow walls, right?" asked Dennis.

"You ever see it?" asked the reporter.

"No," said Boaz, "but I know corporate vibes."

"Come on, Dennis," said the reporter, "why didn't you get in touch with Esplin and Snyder?"

Poss
Cul

~~"Gilmore doesn't want to appeal, do you understand that?
I'm representing Gilmore, not the whole fucking appeal system."~~

~~"But, what if you read the transcript?"~~

~~"There is no transcript."~~

~~"That," said a reporter, "is because nobody ever asked
for one. A transcript is easily obtained."~~

~~"Money," said Dennis, "there is no money to pay for a
transcript. Besides," added Dennis, "it wouldn't do any good.
Gilmore doesn't want to appeal. He doesn't want his sentence
reduced to life."~~

~~"But what," asked the reporter, "if it turned out he
didn't get a Miranda warning, or the judge's instructions
were wrong? If he had a chance for a new trial, that would
be another thing, right?"~~

~~"No," said Dennis. "Gary's dead on the facts. Even if
he got a new trial, he'd be convicted again. Look, you have
to understand Gilmore," said Dennis. "He may be a vicious
killer, but he's just."~~

~~"He wasn't," said the reporter, "too fucking just with
those two guys he killed."~~

~~"No, definitely," said Dennis, "really, he's just."~~

That was how his interviews went. Now, on this day, on those steps, fresh with the rumor that Warden Smith had gone hog wild with rage, the reporters wanted to know what Dennis had done to get him so mad.

Poss
Cut

Well, he said, he had sold two interviews. One had gone for \$500 to the London Daily Express, and another for \$500 to a Swedish labor-union newspaper. The Swedes were probably attracted by the historical coincidence, Dennis suggested. Joe Hill, the famous Swedish immigrant who organized the Wobblies, was executed in Utah in 1915, didn't they remember, "I dreamt I saw Joe Hill last night alive as you and me?" Why, Joe Hill had asked his best buddy to carry his remains across the state line into Wyoming. "I don't want," said Joe Hill, "to ever spend another night in Utah."

"What was the other sale?" they asked.

"Bryan Vine for the Daily Express. I Talked With A Killer is what he's going to call it. A good man, funny, clever. He was the first to offer me money," said Dennis. "Came right out front with it."

"What did you get?"

"I told you, \$500!"

"Don't you think it was cheap?"

"I know it was cheap, but I didn't want to make too much and look like I was greedy. Shit, \$500 for a ten minute interview! That's good money for your time. Gary can appreciate that." He would talk, and they would write, and then the news stories would come out. They made him look relatively responsible in the newspaper stories, like a controlled nut, Dennis thought.

3.

That same morning, Tamera got at work at 5 A.M. and spent six hours copying Gary's letters on the Xerox machine. Some of the reporters sort of raised their eyebrows at how Tamera hovered over the stuff. She didn't want anyone reading it, didn't feel like hearing the sort of cynical and nonchalant comments newspaper people could make. Still, nobody seemed terribly excited.

At Friday afternoon meeting that day, the Executive Editor said, "I don't think we're really interested in love letters," just brushed it off like that.

The paper was famous, of course, for being the leading Mormon daily in the world, and was owned by the Church, so it tended to be a little starchier, perhaps. ~~Tammy had certainly heard enough complaints from the non-Mormons and the jack Mormons on staff. The Deseret News had said you wouldn't believe on any other paper in the world. Since it was located in a Church-owned building, you certainly couldn't smoke in the newsroom, or even drink coffee at your desk. Had to go to the lunch room. A lot of the news men would make frantic trips all day to the bathroom. So it wasn't really the tone for the Deseret News to get excited about having these love~~

letters in the house. Except they would have been yesterday. Tamera was struck with how rapid the shift of attitude was around the paper. Two days ago, they'd been frantic to get near the story. Now, it was on the back burner. ~~Even she had to feel sceptical. Working on that Xerox sure brought out the dullest feelings in yourself. She even began to wonder if it would end up being just another account of a con and his girl. What with the execution being put off again, Gary's death was far off in the distance.~~ the atmosphere wasn't exactly electric as she copied the letters. She did take the originals home, however, and lock them in her cedar chest.

November 12

Boaz was all excited 'cause a movie producer and famous
newsman named David Susskind had just offered him 15 to 20
thousand dollars case^h as a down payment for rights to this
fuckin story--plus 5 percent of the gross on movie rights and
shit--could run to hundreds of thousands, says Boaz.

Baby, I don't like that--it's getting way outa hand.

Boaz is my lawyer but he's acting now more in the role
of an agent, press agent.

Its all become like a circus.

Oh baby wish we was just back in Spanish Fork tending
your little garden, making love.

936

~~Nicole arrived at her grandfather's funeral a little late. Kathrynne thought she looked real sad, standing in the front with the family, and she didn't go up to the coffin for a last look. Kathrynne kept thinking, "Oh, God, she's brooding about Gary and his turn." Afterwards, coming back from the cemetery, Nicole asked if she could take Kathrynne's car. Wanted to run down and visit Gary once more. Kathrynne tried to tell her she had already been up there once, and didn't have a license, and she didn't want her driving. Nicole kept saying, "I won't get in no accident," until Kathrynne finally said, "Oh, my God, take it."~~

~~Nicole didn't get home until evening, and by then Kathrynne was so upset she jumped on her. Said you didn't even go to the prison. Nicole said, "I know. I called, and they said I couldn't come in, so I just drove around. It felt good."~~

4.

Now David Susskind was on the phone to Dennis and really trying to rush through a contract. Dennis liked Susskind's approach. The flow was suave but stimulating. A lot of energy running around but well-schooled. Highly adaptive roots.

Dennis

Then ~~he~~ had a meeting with Schiller. There was this fellow Larry Schiller who called him and said he wanted to see him. He was a former photographer for Life Magazine and was now a producer of motion pictures for theatre and television release. Dennis didn't like his voice on the phone. It had too much energy. It struck Dennis as not exactly manic, but too intent in the importance of getting his point across. A super hard-sell salesman. Chaotic energies connected to sudden bursts of control. Very professional sounding. Over-professional voice. Right there on the phone, Dennis was uneasy.

When they met downstairs in the gloomy coffee shop of the Hotel Utah, they certainly didn't get along too well. Dennis just felt distrustful.

He couldn't get over the way Schiller looked. He had a full black beard and a mustache that grew into the beard, vigorous curly black hair, handsome head. He could have looked something like Fidel Castro, but the man was much too overweight, Dennis thought. It was as if you'd taken the head of Fidel Castro and plugged it into a wide body. He hadn't heard anything about Schiller in advance, but the press was quick to tell him. From one reporter after another, he got it that Schiller knew how to make hay in the

1078

938

craziest places, had picked up the rights to Susan Atkins' life in the Charlie Manson case, plus the last interview Jack Ruby ever gave. A guy to watch yourself with, somebody warned Boaz. He gets in when people are dying.

Still, Boaz was entertained by the conversation with Larry Schiller. For one thing, Schiller was offering more money than Susskind. He kept talking about all the things he had done, all the projects he'd brought off. Boaz made a point of being flippant and arrogant in return. "Gary isn't Susan Atkins," he would say. He really enjoyed being arrogant these days. What did he care if Schiller disliked his guts? It wouldn't cut down the bid for Gary.

"You better get an agent," Schiller said in conclusion.

It brought Dennis short. He had to admit he was enjoying the feeling of going back to Susskind with this higher offer. How did this relate to his nature as the Emperor and the Juggler? Could he handle all the bones that would be thrown in the air?

939

V MORE THAN LIFE

1.

The Salt Lake Tribune

Church Leaders Air Capital Punishment Views

Nov. 13, 1976--The Catholic Church has traditionally supported the state's right to impose the death penalty.

"If a man be dangerous and infectious to the community on account of some sin, it is praiseworthy and advantageous that he be killed to safeguard the common good," the famed medieval Catholic theologian St. Thomas Aquinas once said about capital punishment.

However, Msgr. McDougall said the majority of modern theologians oppose capital punishment, believing the death penalty tends to work against the socially and economically disadvantaged.

The Rev. Jay H. Confair, pastor of Wasatch Presbyterian Church, 1626 17th East, said he is personally opposed to capital punishment.

"The Old Testament idea of 'eye for an eye' and a 'tooth for a tooth' was replaced by the New Testament concepts of love and rehabilitation," the pastor said.

But the Gilmore case presents a different problem, Pastor Confair said. "The man wants to die. He doesn't want to be rehabilitated," he

said, and pointed out the Gilmore case is similar to the case of a person being kept alive by machines in a hospital who wants the "plug pulled."

Many here, although saying they believe in the death penalty, especially for crimes as brutal as Gilmore's, say also that they cannot stomach taking part in the execution itself.

"You couldn't drag me up there," said Noall T. Wootton, the county attorney who prosecuted Gilmore. "I've done my job, I asked for it and got the death penalty--and I believe in it. But execution is a dirty, messy job and I don't want to be part of it."

Prison chaplain Cline Campbell, a Mormon who has been invited to the execution by Gilmore, says he believes Gilmore will kill himself if the execution is put off for very long.

Salt Lake Tribune

Old Rifle Ready Again If Needed

Nov. 13, 1976--A gun at present in a rifle shop and used in previous Utah executions, will be among the five loaned to the Salt Lake County Sheriff's office if and when convicted murderer Gary Mark Gilmore is executed.

Leo Gallenson, one of the corporate managers of the shop, estimated that the unsold rifle has been used in 6 to 12 executions.

Los Angeles Times

Former Boss of Utah Killer Would Serve on his Firing Squad

Nov. 14, 1976, Provo, Utah--. . . Spencer McGrath gave Gary Mark Gilmore a good job and an extra \$10 to \$20 a week out of his own pocket. He

941

fixed Gilmore's car and kept Gilmore on the payroll even when the ex-convict took to drinking and showed up late for work.

Now McGrath, a kindly sort of man who runs an insulation factory and who has helped many former convicts, says he would willingly serve on the firing squad Gilmore wants to have execute him, "just to show Gary that laws do apply to him."

~~Over at the old gasoline station and grocery that serves as the center of business activity in tiny Bluffdale, three miles from the prison, a half dozen young men were discussing the other day Gilmore's request to "die like a man." All agreed he should be executed and all said they were willing to do the job.~~

November 14

Honey, I'm becoming very famous.

I don't like it--not like this, it's not right.

Sometimes I think I know about fame and how it feels because I was famous in a previous life. I seem to understand it. But I don't want to get to the point where we're enjoying fame and not being ourselves anymore. We are just GARY AND NICOLE and we've got to remember that.

Nov. 14?

Hey Geebs

He was just-a-keed.

Nice to hear from you-----you know you got a little class yourself.

942

If at some time you are flush and have a few dollars to spare, I'm sure my mother could use it. She's old, crippled, and on welfare. Or if even now you'd care to write her a letter to help ease this thing a bit.

Thanks for the ten spot.

A friend

Gary

Gibbs thought to himself, how do you write to someone's mother you've never met?

Dear Mrs. Gilmore, its going to be alright. Only 4 of the 5 rifles are really loaded.

He asked Big Jake to pick him up a nice card and Gibbs enclosed 30.00 and mailed it off to her.

Los Angeles Times

~~Death Lawyer's Lively Career~~

~~Nov. 14--Only last January Boaz became a self-styled crusader against what he called the "hypocrisy of the system," as he unsuccessfully tried to get himself arrested for smoking marijuana in the lobby of the Federal Building here.~~

~~Now he has turned up at Utah's state prison at Draper as both a lawyer for the condemned Gary Gilmore as well as his biographer.~~

~~This double role is one he cannot play and still observe the canons of the Utah State Bar, Craig Snyder asserted. The canons demand a lawyer represent a client and not one's own~~

945

pocketbook. "If that execution takes place," Snyder said, "Boaz stands to profit from it."

Although Boaz has been criticized for exploiting his client in this manner, he is nevertheless remembered in a kindly way by the Assistant Dean of Boalt Hall, James Hill.

"He's a shy, modest, tender guy, a hell of a good guy," recalls Hill who says he has seen Boaz occasionally since his graduation.

Nov. 15, 1976...Utah--Condemned killer Gary Gilmore wanted to die at 8 a.m. today. Instead he breakfasted on sweet rolls, cereal, oranges, milk and coffee and returned to his cell on Death Row.

Gilmore will be visited today by Nicole Barrett, 20, a divorcee and mother of two.

"He thought a lot of that girl and she must have thought something of him or she wouldn't be doing what she's doing now (visiting Gilmore)," his uncle Vern said.

Boaz, who spent 3-1/2 hours with Gilmore Sunday night, said his client would also like to meet singer Johnny Cash before he faces the firing squad.

"There is no greater Johnny Cash fan than Gary, and he'd like to meet him before the end," Boaz said. He dispatched a telegram to the singer informing him of Gilmore's wish.

2.

Vern hadn't seen Gary in close to six weeks, not since the last day of the trial. Going to visit him, he felt twice awkward. Vern had just gotten out of the hospital after an operation on his bad knee, and walking, even with a cane, felt

like hammering a nail into his bone. It was one long walk, more than a hundred yards, from where he left his car near the prison gate out to the long flat building of Maximum Security. A real jaw-grinder putting each step ^{down} in front of the next, as he walked through the two parallel fences of barbed wire. Vern felt awfully funny about seeing Gary.

Right away, there was his nephew in the Maximum visitor's room, looking stronger maybe than at any other time, as if he had a good grip on his heart now, and right away, Gary brought up the angry letter Ida had written him about his painting.

Vern said, "Well, you wrote her a bad letter first. You didn't want to have anything to do with us anymore, so she just told you to go sit on it." Now Vern said, "I stand behind her. As far as I'm concerned, Gary, you can sit on it."

The conversation had started with that little friction, but then Vern said, "Look, Gary, we're not mad at you. We want to help you."

"All right," said Gary, "I want to tell you, I really feel bad about writing that letter to Ida, and I want to apologize."

"Ida wants to apologize to you," said Vern. "She wants you to tear up her letter, just as she tore up yours, and flush it down the toilet." That was the end of that. Gary looked relieved, and they talked back and forth a little

947

while. Wasn't a bad visit at all.

By the time Dennis got to the prison on Monday morning, Vern had finished his visit. It didn't take Boaz long to figure out that old Uncle Vern was back in the picture, all right. Gary was speaking of his uncle in praiseworthy, loving terms.

Now, Dennis had never heard him do that before. Always a lot of resentment. All of a sudden, Gary was nurturing this whole change toward his uncle. It was obvious to Dennis that a part of Gary really wanted to be loved by his family. Didn't matter what had gone down before. If God was over-looking things, as Gary sure believed, then God had to be family.

Yesterday, Dennis had had a funny hassle with him. On Saturday, Gary kept saying he wanted Dennis to smuggle in 50 Seconals. At first Dennis even promised he would, but then he began to live and try to sleep with it. By the next day, he told Gary he couldn't do such a job under any circumstances. Sunday night when he got back ~~home~~ ^{home}, Dennis could practically smell suicide coming up from the day. ~~Damn if the moment he turned on the radio, he didn't hear Blue Oyster Cult. They had been on the radio like crazy these~~

last two days, but now he was actually listening to the words of Don't Fear the Reaper. Well, it had to freeze his synapses. "Come on, baby, don't fear the Reaper," Dennis heard himself humming. "Baby, take my hand." Lying on the mattress in the basement, he patted the floor to keep time. "Romeo and Juliet are together in eternity," went the words. My God, you could go crazy getting off on Synchronism, thought Dennis, feeling the great linking-in of all the little things. It was awful. Your mind could undulate like a jelly fish at such times.

That Monday after Vern's visit, Brenda was called by Gary. He asked the name of the doctor who was taking care of her daughter, Christie. How could he make certain that his pituitary gland would go to Christie after he was executed? Since Johnny and Brenda were always broke trying to keep Christie in pituitary extract, which was the most expensive thing on God's earth, this call from Gary, out of the blue, telling Brenda he wanted to give her a credit, wanted the doctors to remove his pituitary after death and credit it to Johnny's account, was like handing over a thousand bucks. It was a crazy conversation. Brenda didn't know if they were now friends, angels together in hell, or still stupid enemies with one thing in common. "Take care, Gary," she said at the end. He just hung up.

949

That same morning as Tamera came into the newsroom her editor said, "We're getting a lot of calls about Nicole. Your story won't hold till Gary is executed. I want you to go down and get permission from Nicole to run it early."

Driving over to Springville, Tamera didn't know how to ask her. Just knew she would. When she laid her predicament on Nicole, however, there was a smile and then Nicole said, "Well, I got to tell you something, too. I decided to give an interview for \$2,000." Some kind of affiliate for ABC out of Boston--at least as Nicole understood it--had sent this nice-looking tall fellow, Jeff Newman, with curly hair, blue eyes, and a beard over, and he talked her into it. He would be giving the interview this Friday. Later Tamera would find out it was really the National Enquirer, and Boston affiliate of ABC had been just a cover story Newman was using. For now, her only reaction was that Nicole had told her to go ahead and do it, no problem. So, Tamera left on real good terms. She went back to the office and spent the rest of the night working on the story.

4.

Over the last week, Nicole, doing her best to look all worn out, which wasn't that hard, had gone to several doctors she picked out of the phone book and told them she was from

out of state and had trouble sleeping. The only thing that worked was Seconal. She had tried this other one and that one, but the reds were what did it. Seconal.

She managed to collect 50 reds and 20 Dalmanes. Now, what with Gary on her case about it all the time, she decided on Monday morning that it was time to pass them over. So she split the stuff down the middle, 25 Seconal and 10 Dalmane for Gary, same for herself, and put Gary's capsules in a kid's balloon, two balloons, in fact. Both yellow, one inside the other. Then she inserted the balloons up her vagina.

She felt sick all the way over to the prison, and afraid that Gary would scold her. He had kept telling her to get more. He had pushed her and pushed her to go to more doctors, but she had the feeling unmistakably that none of those doctors trusted her. If she went to even one more, it might blow the whole thing. She even had the spooky feeling that the doctors were calling the cops ten minutes after they wrote the prescription. She really sweated it out all day Sunday. Now, here she was inside the prison with those balloons.

First it was easier than she thought. Then it was harder. They gave her a skin search when she came in, but the matron didn't put her fingers anywhere, just looked under her armpits and in her cheeks, went through her long hair. It

really wasn't an indecent search, and, in fact, the matron would have had to have a long finger, the balloons were pushed up that far.

In the visiting room, there happened to be nobody there that day, just the guard in the glass booth, and she and Gary went to the chair by the window where she sat on his lap. Sometimes they allowed you to do that, sometimes not, but this day the guard wasn't bothering them if they did a little heavy petting. It was really lucky. Sometimes there would be as many as four or five people in the room, or a couple of lawyers, but she and Gary were the only ones there this time.

As she sat on his lap, Gary put his hands up her and even made a pass with his finger for the balloon, but got nowhere. It was too far up. Finally Nicole had to stand by the window with Gary hugging her from behind to hide her body from the guard. In that position, with his arms around her shoulders, she reached down under her skirt and tried to get the balloon. It was a real sweat. She had shoved it up so high, there was nothing to touch with her fingers, and she got to the point where she had to try to push it down as if she were passing a stool. In fact, she pressed so hard in her gut, while reaching up in such a strain with her fingers, that when she finally got ahold of it, her head hurt. She was seeing stars. They

kept rocketing off. Her head, in fact, felt like it had just broken, or some blood vessel at least had certainly shattered there. Gary didn't know what she was going through. He was just making sweet and encouraging remarks.

After she had the balloon, she turned around and stood beside him so her back was now to the guard, and Gary sat down in order to be concealed a little by her, and took the balloon in his hands. Then he reached down inside ^{of} those big, wide, floppy, loose pants, big baggy things, and pushed the balloon ^{up} ~~to~~ his rectum. It was a slow, tricky business, not at all easy and took over a minute. When it was done, he just said, "Yeah, they're there. I know." Then she sat on his lap and kissed him.

She felt fine. She realized how worried she had been that they would check her when she came in because they had gotten word from the doctors. So she was feeling pretty proud of her accomplishment, and Gary was feeling very proud of her. After she had passed him the pills, the visit went on for at least an hour. They necked like crazy. It was the most beautiful of their visits. When they weren't kissing, they were singing to one another. Neither of them could sing worth a note, but it was beautiful all the same. She had never felt as near to anyone's soul in all of her life.

5.

That evening, Marie Barrett got a call from Nicole who asked if Marie could come over and pick her up, so she could visit with Sunny. **[Is Sunny living here? EXPLAIN IN SENTENCE]** They sat around the living room watching Sybil on TV, and Nicole said the girl sure reminded her of April. Then she went into the bedroom and read Sunny some stories and listened to her prayers, after which she visited in the front room with Marie and her father-in-law Tom Barrett who she also liked, and then finally went home, although she kind of drug her feet about leaving.

^{at}Back home, she went night shopping with her neighbor, Kathy Maynard. In the shopping center, which was open till 9 p.m., she went on a splurge and bought coloring books and crayons for all of Kathy's kids as well as hers. When they returned, she handed ten dollars to Kathy and said, "Come on, if you don't take it, you're going to make me feel bad." Kathy just looked at her. Kathy wasn't that big and had ash blond hair and round eyes kind of, and a sweet simple face that looked just bewildered. Nicole said, "You just enjoy it." "See you in the morning," said Kathy. "In the morning," said Nicole.

All through November, just about every day, Gary had

talked about suicide to Cline Campbell. The chaplain took him seriously every time. He would say to Gilmore, "Don't. It's better if it's done by the state," but he could hardly disagree that life wasn't worth living in prison.

By Campbell's own definition, this was a life and death situation. Still, he didn't reveal it to the prison administration. It would only increase the pressure on Gary. There would not be one guard in the cell, but two after that. So, when Gilmore would ask, "Can I trust you with this?" Cline would answer, "Hey, it's locked up in me until you say to disclose it."

Now, alone in the apartment with Jeremy sound asleep, Nicole was waiting for midnight when she and Gary both agreed to take the pills. It took a long time to get there. It kept coming over Nicole that Gary was worried that the amount she'd been able to get would not be enough. He had explained that if you took enough to put you out for a long time, but not enough to die, you might become a vegetable. That was truly something to worry about. Yet, they'd agreed to go forward. It would ^{either} work or it wouldn't. Nicole now got out her Last Will and Testament. She had spent all day Sunday writing it, and she went over it again now for spelling errors. She was pretty sure, in fact, a couple of mistakes had been made. It was a long Last Will and Testament, and there were probably

955

errors she didn't catch, but she felt all right about it.

6.

Nicole K. Baker

Sun. Nov. 14

1976

TO WHOMEVER IT MAY CONCERN:

I, Nicole Kathryne Baker - have a number of personal requests I would desire to have carried out - in the event that I am at any time - found dead.

I am considering myself of a strong, logical, and totally sane mind - so that which I am writing should be taken serious in every respect.

At the time of this writing I am going through a divorce from a man named Joe Bob Sears.

By my own standards - the event of death should dissolve all ties with that man and the divorce be carried through and finalized AT ALL COSTS.

I wish to legally be returned to my maiden name which is Baker. And have none ever acknowledge me by any other name.

My daughters birth certificate states her name as Sunny Marie Baker, even thoe, at the time of her birth, I was then legally married to her father - James Paul Barrett.

My son's birth certificate states his name as Jeremy

Kip Barrett. Because I was at that time still married to James Paul Barrett, who is not Jeremys father.

Jeremys father is the late Alfred Kip Eberhardt.

So Jeremy does have legal grandparents by the last name of Eberhardt who may wish to be notified of his whereabouts. They are residing in Paoli, Pennsylvania, I think.

As to the care custody and welfare of my children -- I am not only desireing but demanding that the responsibility of them and any decisions concerning them - be placed directly and immeadiatly into the hands of Thomas Giles Barrett and/or Marie Barrett of Springville, Utah.

If the Barretts so wish to adopt my children - they have my willing consent.

If they wish to place the responsibility of one or both children into the hands of another responsible party of their choice - they again have my willing consent.

That is of course - until the children are of legal age to make their own choices.

I have a pearl ring in hock in the bowling alley in Springville. I would really like for someone to get it out and give it to my little Sister - April L. Baker.

Also I have made arrangements for a sum of money to go for April's mental health problem. My mother should not spend that money for anything other than to pay a good Mental Hospital for helping April back to her sanity.

Now, as to the decision as to what should be done with my dead body - I ask that it be cremated. And with the consent of Mrs. Bessie Gilmore I would have my ashes mixed with those of her son - Gary Mark Gilmore. To be then - at any future convenient date scattered upon a green hillside in the State of Oregon and also in the State of Washington.

If my own mother and father - Charles R. Baker and Kathryne N. Baker are not agreeable to this request - so be it. Let them decide as they choose.

I would ask that they arrange for at least three songs to be sung at my funeral....

A song written by John Newton called (Amazing Grace), also one by Kris Kristofferson titled (Why me) and lastly a song titled (Vally of Tears) which I know not the author of.

If any other persons, friends or family wish to sing or have sung any more songs at my funeral on my behalf or on behalf of those who grieve, resent or are indifferent to my passing - why...I would be grateful.

Now going through it, Nicole realized she had more to say, just a little more. She had not really disposed of her belongings. In the quiet of her apartment, she began to compose a few more words.

Nicole K. Baker

Mon. Nov. 15, 1976

I do not feel much like writing this day. Thoe I suppose there are a couple of things left I should take care of.

No, jest this.

Everything in my apartment of course - my mother can decide what to do with.

I have nothing here of great value except the painting of the two little boys gazeing at the moon. It is Sunny Marie Barretts painting now. It is to be hung in her room at Tom and Marie Barretts house, until or unless she asks that it be removed - and I would rather she never sell it - but the choice should be hers when she reaches the age of 18.

Again I state; the painting of the two little boys gazeing at the moon, done by Gary Gilmore - now belongs to Sunny Marie Baker Barrett.

My Mother has my every consent to take all or any of my letters and do with them what she pleases. If they can in any way bring her some money - then I'll be all the gladder. But I would desire her to share the money as she sees fair -- with all my brothers and sisters and also my Aunt - Kathy Kampman.

Since there are so many people trying and being successful at makeing money on the story of Gary Gilmore and I, I would jest as soon it was someone I love and care for and trust-

to have part of that success. So. . . the ^Elatters are my Mothers. Kathryn V. Baker's.

If she wishes to burn them - so be it also.

My Mother probly has little use for any of my house-hold belongings - which are of no value - so I would truely like for my good friend Kathy Maynard to have any of my: furniture she chooses and any of the things hanging on my walls - jest anything in this apartment that my Mother would not feel too reluctant to part with. I do hope Mom is reasonable about it. Kathy M. has helped me through many a long hard day - she has little furniture and that sort of stuff. . . .

That's it.

Nicole K. Baker.

7.

There were a lot of pills to take ~~and~~ she took them slowly, swallowing one or two at a time, being careful not to gag. If she threw up, the whole thing would be blown. In the middle, she started having a lot of thoughts. She thought, for some odd reason of the guy from the television station in Boston who was going to pay the \$2,000 and she worried whether he would never honor it now when she was gone. Without it, where would April get the money for her hospital? She was also thinking that he had said he would be here in the morning and

what if she didn't answer her door? Would he come in? If she wasn't gone by then, they might revive her. So she had to decide whether or not to lock the door.

On the one hand, she didn't want anybody to be able to get in too easily. Yet if the door was locked and they had to break it, the noise could terrify Jeremy. On the other hand, if the door was open, Jeremy would be able to wander out in the morning. Kathy Maynard might pick him up, carry him back in, and discover her too soon. So, finally, Nicole locked the door. Still, it made her miserable, thinking of Jeremy wandering around tomorrow, and looking at her.

Now she was taking three or four at a time with water, and Gary was sitting with her. There weren't even seconds these days that she did not think of him. But, now he was as near as ever at the prison, and she began to think of how soon she could be with him and how she trusted him and was not afraid. Then she began to think of laying down without her clothes on, and wondered what to do about that. She did not want to die with her clothes on, that was for sure. On the other hand, she did feel strange about taking them off. In the morning, reporters might come in and look at her body. That was not agreeable.

As she got into bed, she took a picture of Gary and put

it under the pillow and held on to it with her hand, and felt a little extra naked tonight. Then it started to feel good. She felt the pills really coming on. She got out of bed and walked around a little just to have that good feeling of her legs moving in one nice floating feeling after the other. It was awful nice as if she were learning to walk for the first time and her legs started to get heavy. It was really an agreeable feeling, and she lay down and held onto the picture of Gary again, and thought of the letter she had written just before she took the pills. Reading over the Last Will and Testament, she had thought there was nothing very personal, truly, to her mother and family, so she'd written an additional letter, and she thought of that. ~~Then she thought of Kathy Maynard~~
~~next door who was the nicest neighbor she'd ever had, Kathy,~~
~~with her crazy, crazy, really fucked up life that never got in~~
~~the way of Kathy being a good friend of a neighbor. Then~~
~~Nicole's~~ letter began to swim around her mind and Nicole went to sleep.

stet

Mon. Nov. 15, 1976

Mom, Dad, Rick, April, Mike, Angel

--Everybody that knows i Love and Care for You.

Please do not resent my leaving this life.

I'm not trying to hurt anyone--if I could spare you all
any pain--i surely would.

But i just go. Because i want to so bad.

Wanting a thing like that--and not granting it to myself--
would surely turn me into some bitter ugly old maid in just
a matter of time--or possibly I would lose my sanity.

I think you all pretty much understand about me and Gary.
if you don't--well time will tell all.

i Love him. More than life and more than that.

And i Love you all very much. i could never have
asked for a better family. We've been over a few rough spots
a time or two--but i hope that any wrong i've done anyone
will be forgiven me as easy as i forgive.

i don't want to talk anymore. i'm sorry i should have
written this sooner. i had so much to say.

Well, all will ultimately be clear and right just
know that i love you all today and i will love you always.

Please try also not to greive for me--or resent Gary.

i Love him.

i made my own choice.

i'll not regret it.

Please Love my kids always, as they are part of the
family.

Never hide truths from them.

When any of you need me, i will be there to listen for

i and Gary--and yourselves--are all a part of a wondrous
good understandin God.

May this parting bring us closer in Loveing, under-
standing and excepting of one another.

i Love You All

Sissy

Winkle in bed with an overload of Journal. Journalists were
still coming around with their tape recorders. Their inter-
est in Winkle was great, and the curiosity about Kathy was
small, but it is a technique of some interviewers to begin
by asking each witness, important or unimportant, many ques-
tions about their life.

INTERVIEWER: How old were you when you got married?

GARY WAYARD: 18.

INTERVIEWER: Why did you get married at sixteen?

GARY WAYARD: Cause my other friends did.

INTERVIEWER: And who did you marry?

GARY WAYARD: The Hair From when I was 16.

VI WAKE

1.

Four months after the morning that Kathy Maynard found Nicole in bed with an overdose of ^Seconal, journalists were still coming around with their tape recorders. Their interest in Nicole was great, and the curiosity about Kathy was small, but it is a technique of some interviewers to begin by asking each witness, important or unimportant, many questions about their life.

INTERVIEWER: How old were you when you got married?

KATHY MAYNARD: 16.

INTERVIEWER: Why did you get married at sixteen?

KATHY MAYNARD: Cause my other friends did.

INTERVIEWER: And who did you marry?

KATHY MAYNARD: Tim Mair from Heber City.

Perfect
But
MAY
Be
in
wrong
place

INTERVIEWER: And how long did you live with him?

KATHY MAYNARD: Couple of weeks.

INTERVIEWER: You only lived with Les a couple of weeks, too. When was the last time you saw him?

KATHY MAYNARD: Les? Ha, ha, day before yesterday.

INTERVIEWER: So you see him periodically?

KATHY MAYNARD: Hmmm, hmmm, he's with my best girlfriend.

INTERVIEWER: When he comes back, and sees you, does he make it with you or what?

KATHY MAYNARD: Oh no.

INTERVIEWER: Did you and Les ever get a divorce?

KATHY MAYNARD: We're going through it now.

INTERVIEWER: What does he do now?

KATHY MAYNARD: Works at a service station out in Spanish.

INTERVIEWER: Spanish Fork?

KATHY MAYNARD. That's it. }

maynard

Kathy had been waking Nicole up every morning. In order for her to get out to see Gary early, it was necessary for Kathy to come by. These days, Nicole just couldn't wake herself.

966

~~At that time, Kathy's husband, Joe, was still living~~
~~with her on and off, and was on that day, so she had to be~~
~~up to send him off to work about 5:30.~~ **5:30, the**
morning of November 16, Kathy
took the coffee pot over, and knocked, and rang Nicole's bell,
and then looked through the window to see Nicole asleep. She
had a blanket over her and was lying stomach down on the
couch. You could see a little of her bare back. After Kathy
had rung awhile, she tried the door and it was locked. That
was unusual and kind of bothered her. She returned the coffee
to her own house, went back, and started calling Jeremy's
name until he finally woke up and came out of the bedroom.
He was still half asleep and just flopped down on the couch
beside Nicole. He was wearing a little pair of green pajamas
and all he wanted was to get back to sleep. Finally, after
fifteen minutes, she got Jeremy to open the door, but when
Kathy went in and shook Nicole and turned her over, she didn't
respond. Kathy opened one of her eyes, but it gave back
nothing.

Nicole had fallen asleep on top of a picture of Gary in
a little gold frame, just a color photo of him in a blue
jacket in prison, but he was looking good. Next to the picture
was a letter, and Kathy saw at a glance that it was an

old one, written early in August right after Gary was first put in jail. She noticed the date because Nicole had often talked about his first long letter and how much it meant to her. Then Kathy tried to wake Nicole up again. All the while, Jeremy was sitting on the couch looking at both of them.

Finally, Kathy stirred up another neighbor, Sherry, and both women went over to shake Nicole, and stood around ~~on~~ ~~the~~ in their levis and bare feet, looking worried. About the time they decided to call the doctor, there came along that reporter, Jeff Newman, who had bought a story from Nicole, walking right toward Nicole's door, and Kathy hollered out, "She's asleep. Nicole's asleep."

Jeff Newman stared at Kathy kind of funny, and said, "Is she all right? I'm supposed to take her out to the prison this morning." Kathy said, "Yes, she's just tired." He said, "I'll be back in half an hour," and went away. Then they called Sherry's doctor. The moment he heard Nicole's name, he told them to call the hospital, *and pretty soon,*

The cops were running around the apartment trying to find pill bottles and the ambulance men worked fast, checked her out and ~~had~~ ^{took} Nicole ^{away} on a stretcher. ~~and Kathy was looking for~~ ~~Jeremy, who was not even at her apartment with her kids~~

Nov. 16, 1976 -- "I had two reasons for staying the execution of Gilmore," Rampton said.

"Capital punishment is a tool of society," he said. "The defendant has no more right to determine that he shall be executed than that he should not be executed. The warden should not shoot anyone who walks in and demands execution after confessing to a crime."

Meanwhile, Gilmore has apparently again asked his girlfriend, Nicole Barrett, to marry him.

Mrs. Barrett, 20, Springville, the divorced mother of two children, avoided a direct response to questions about the possible engagement, saying, "Does it matter?"

The two met last May when both were visiting one of Mrs. Barrett's cousins. They dated,

Deseret News

Gilmore's girlfriend says he killed them so he wouldn't kill her.

By Tamera Smith
Deseret News Staff Writer
Copyright 1976, Deseret News

Nov. 16--"He killed them so he wouldn't kill me."

Nicole Barrett, Gary Mark Gilmore's girlfriend, offers this as the reason why two Provo men were shot to death this summer by her boyfriend, now apparently her fiancé.

Her conclusion is borne out by more than a hundred letters written to her by Gilmore after he was arrested for the two murders in Provo. In the letters he admits the killings. He has since been convicted of one.

The letters and several drawings by Gilmore were made available to the Deseret News.

969

The conversations with Gary over the weekend had progressed beautifully, and were full of literary and philosophical questions on the nature of prison that Dennis looked forward to writing about. Today, his head was trying to get a number of items together, inasmuch as Gary had promised yesterday to talk about the murders, and Dennis was full of natural curiosity. Moreover, he was preparing for the Board of Pardons Hearing and trying not to get too involved about his own relation to these projects. He had decided that when you put the camera on someone, they step out of themselves and take on a persona. Maybe that was why he felt the liberty of being a new person. If there was any hindrance to his concentration, it actually came from this powerful sense of well-being. That was offering pure excitement. He had to keep sitting on that.

Dennis

2

and told him WHAT.

So it hit hard when the reporter phoned. He might just as well as have been playing highschool football again, too tall, too thin, and just dumped on his head. ~~He had completely forgotten~~ ~~Don't fear the reporter~~ Dennis said to himself, "I'm not in touch with anything."

Only yesterday, a lawyer friend had suggested he get

970

some agreement in writing from Gary, and Dennis had told him, "I really don't want to," and explained that people were criticizing him for being in it only for the bucks. Part of him, he had confessed, was concerned about not acquiring such a reputation. For just that reason, he preferred to have nothing in writing. He and Gilmore would be together on trust. In unusual circumstances like these, a contract would suffocate any possibility for decent human relations. He had, however, to admit to himself that Gary was getting more business-like. The last couple of days, he had shown more and more interest in Susskind, and now he was talking about Schiller, as well. It seemed Schiller had sent ~~him~~^{GARY} a telegram. Here were these two fellows bidding against each other, and Dennis felt he could hear a new chapter stirring in Gary's voice. That was why the suicide attempt surpris^Sed him so.

Then Dennis' day got worse. Another reporter called and told him he had heard from several sources that Dennis Boaz was right up top on Sam Smith's list of people who could have slipped the drugs to Gilmore. Dennis did not feel good about that. The fact, after all, was that Gary had indeed asked him to bring in 40 ^Sne~~re~~conal on their first meeting, and in the excitement of those few hours, Dennis had said yes. Later, Gilmore asked again, but by then Dennis had changed his mind and explained to Gary that he couldn't possibly do

that. It would ruin their lawyer-client relationship. That ended it. Gary could see the answer was final. The only thing is: what if the prison had recorded their first conversation. At that moment, Dennis knew something about the cold, clammy hand of fear when it takes possession of your guts. That was no cliché. His guts felt like they were being handled by an outside force.

In the middle of such a sensation, near to the emotions of being a condemned man himself, he thought of Nicole and her sad look. It was clear to Dennis now. Gary had not been trying to kill himself but Nicole. That was why she looked so sad. She didn't even want to believe it herself. Dennis had had the wrong victim all the time. It was Nicole. He was suddenly furious at Gary.

~~Out at the hospital, a nurse gave Dennis~~
~~the same news. Doug was the warden's number one suspect.~~
~~When Geraldine Rivera of ABC said the same. Other reporters,~~
~~asking questions, were turned to the prison hangar.~~
~~Dennis thought, I don't need this one bit.~~

It had become an exceptional occasion for him, a day of catharsis and much emotion. At the thought of Gary dead, or Nicole gone, Dennis felt such a sense of loss that he began

asking
to wonder if he could keep ^{asking} in good conscience that Gary be executed.

At just that point, almost as if the man had trained instincts for opportunities such as this, Geraldo Rivera came by once more and suggested an interview, and they went to Rivera's hotel suite to discuss it. Concerned about going off in all directions, Dennis had been staying away from bot these last few weeks, and had none on his person, but he figured Rivera might know of somebody to turn him on to a little weed, and, in fact, there was a friend in the hotel with some high quality Thai. Dennis took it into his lungs like love. But then there was always that reasonable premise that a portion of God's love had been put into grass. Of course, Dennis had also run into a fellow who had the interesting counter hypothesis that what came into one's lungs as love was only a facsimile offered by the devil. A good argument, but all Dennis knew right now was that decently grown grass always affected him emotionally. It went right to his heart.

As he sat in the hotel room, talking with Geraldo Rivera, he began to have this overwhelming feeling of the hopelessness of the situation, and he began to cry. He couldn't help himself. He just began to sob aloud in front of Geraldo Rivera.

~~It was all so much sadder than he had ever conceived~~

3.

~~Afterward, Tamara would be the first to say that it sure sounded like she was stupid, but at the time, it never really hit her what she was writing. She knew, yet she didn't. She had no idea her story was going to be put on the front page.~~

~~A couple of months back when she first started at the Deseret News, she happened to fall into the Teton Dam break story and actually got a front page byline for that, which was terrific at the beginning of a career. Front page stories were few and far between for a sub reporter. She thought her Teton Dam piece was probably going to be her one and ever,~~

~~and she wasn't even thinking of something like that happening again.~~ ^{JP} ^{id} ^{Taaaa} Monday afternoon, after she left Nicole, ~~she~~ had gone

back to the paper and read through the letters and then wrote her story. Didn't even finish until the dawn came up. By

~~that time, seven a.m. she should have known. There were~~

~~several other people working along with her now, including~~

~~the managing and executive editors. She assumed it was be~~

~~cause the story might be sensitive to some readers. When~~

~~that happened, everybody had to take a look. So they were~~

~~all gathered around her desk helping with last minute~~

~~corrections and things. It became one of those pull-it-out~~
~~of the typewriter, get it to the printer job. They went to~~
~~press at 8 and Tamara ^h hung in helping them write out lines,~~
~~and about 8:30 or 9~~ → ~~she was ready to get to bed, but she~~
~~felt like seeing her story in print first. So, she went for~~
~~a walk, figured she'd come back and see the first edition off~~
~~the press.~~

~~Tamara ^f strolled over to Temple Square, went into the~~
~~Visitor's Center, and walked up the spiral ramp to where the~~
~~huge statue of Jesus was placed. Then she just sat there~~
~~and she prayed and hoped the story would come, and things~~
~~would somehow work out for Nicole. The ramp was spiral and~~
~~was suspended in the air like the universe or the galaxies.~~
~~It was a beautiful place. Tamara ^f had gone there other times~~
~~in her life to be alone and ponder. Very gentle peaceful~~
~~was out there. You could feel very powerful beings~~
~~hovering around you, almost~~

~~W~~ When she came back to the paper, and never had she seen
a news room so electric. ~~Not even when the dam broke. No~~
~~one had to tell her. She knew something immense had landed~~
~~right on top of their deadline. Everybody's face looked~~
~~full of electricity. There were lights in everybody's eyes.~~
All the reporters in the newsroom were on the same assignment.

It was obvious. Calling police and all kinds of people. A story was being put together so fast, they weren't even typing it, just reading it directly to an editor, who was putting it right into the terminal that went to the printing press. It was really wild. Her editor came right up to her and said, "Nicole and Gilmore tried to commit suicide. They are in intensive care. Start writing a little story." Then he went away. Tamara said, "Wow." She sat down at her typewriter, not even knowing what she was supposed to do. Somebody told her to start putting in the business of how the Deseret News knew Gary and Nicole were going to commit suicide and had told the authorities, so that's the second story she wrote that day.

~~The first edition had been stopped in time to put a bulletin across the top about Nicole and Gary. It was the edition that went out early to all the rural areas and outlying places and so wasn't that important, but the afternoon paper, which was their second and big edition for the Salt Lake metropolis, had the story in depth about the actual suicide attempt, and that was one piece of work Tamara carried out like a robot. She had actually taken it over to the terminal and started putting it in, before any feeling began to come. Then she really did have a slew of mixed emotions. She had had no idea Nicole was going to do it that day, none on~~

976

~~earth. She thought maybe two or three weeks.~~

~~By the time she calmed down in one direction, she was~~
~~getting angry in another. [#] ~~Later, it~~~~ It came over her that Gary was just
a manipulator of the worst kind. It was one thing, Tamara^s
thought, to try to talk someone into going to bed with you,
to manipulate them to have sex with you, but to manipulate
them to die with you, that was brutal and deadly. Totally
selfish. All those letters, where he was so insanely jealous,
that he couldn't stand the thought of her being here on earth
without him, possibly meeting another man or something.
^{To me} Boy, Tamara thought, just boy!

~~Exactly then, her brother who worked downtown in Salt~~
~~Lake came walking into the newspaper. First time he had ever~~
~~done that. He had heard of the story on the radio and figured~~
~~Tamara^c would be needing him, and she just hugged him and~~
~~cried, and later that night her brother up in Vancouver, Wash~~
~~ington and his wife called her to congratulate her and say~~
~~how great they thought it was and how proud they were of her.~~
~~They were making copies of all the stories to send to the~~
family. She found out later she had been syndicated all over.
The AP carried her heavily and the London Observer, a Scan-
danavian service and someone in South Africa, a Paris syndi-
cation, and Newsweek and the West Germans. The paper made

each of those sales at 750 cash which more than made back Tamara's total salary to date. That was really neat.

4.

~~Wayne Watson and Brent Bullock, from Noall Wootten's~~ office, went over to Nicole Barrett's apartment after the police called them about the letters. They wanted to see if there were admissions that could prove useful for the Max Jensen case if they ever had to try Gary on it.

Back in Noall's office, they started going through the stuff, but by the time they'd read the first ten or fifteen, they were getting pretty disinterested. While the guy was obviously an intelligent individual, the letters were, from the standpoint of uncovering new evidence, very boring. Wayne Watson did come across one paragraph that made sense if you translated the rhyming slang, for it referred to pills, and he contacted a man in the Sheriff's Office at Salt Lake who was investigating the prison, and gave over the information that Nicole had been going to several doctors to pick up prescriptions, and so might be the one who smuggled the pills in.

Actually, the best part of the whole deal was that Brent Bullock and Wayne Watson had their picture taken by a press

photographer in Nicole's little living room while they each squatted on one knee looking at the letters on the floor, both of them appearing as big as professional football players, and handsome as all get-out with Brent showing his six inch handlebar mustache. After that came out in the newspaper they took a ribbing from their wives and friends. Super-sleuth, stuff like that.

Kathryne was at work at Ideal Furniture when her mother, Mrs. Strong, called that morning. "Have you heard the radio?" her mother asked, "do you have the radio on?" Then she blurted out the one word, "Nicole!"

Kathryne just went to pieces. Started screaming, "No! No! No!" She just assumed the worst. There was actually a radio on and it was the big stereo in the back of the store, but it had been turned low and she'd not been listening. Now as if her ears came right into focus, she heard the words, "Gilmore's girlfriend . . . suicide." Kathryne went hysterical. Her mother kept yelling at her over the phone until she finally heard what was being told her. "She's not dead, you know," said her mother, "she's up at Utah Valley. I'll be right over to pick you up." Time passed for Kathryne in

lost minutes, like she was in concussion. Then there was her mother outside the store in the old Lincoln, the stinking Lincoln, that old family joke, picking her up. Then they were going in the emergency door of the hospital, and the lady at the desk was sending them to the second floor. When she entered Nicole's room, Kathrynne went through the horrors all over again. That dreadful machine was there once more. Not even days ago, her father had had the same machine on him, and now he was dead and they were working on Nicole.

Kathryne went out to the waiting room and kept thinking of how they had kept her father on that goddamned machine every day for seven days. They gave Kathrynne a little valium now, and then a doctor came by. He was stiff and talked out of a tight little mouth and couldn't even give Nicole a 50-50 chance. "It could go either way," he said, then added, "We don't know if there was brain damage or not . . . question is if the machine can keep her lungs working . . . I can't guarantee that either." Sure wasn't offering hope for too little. "I can't," he said, "guarantee anything until all medication is out of her system." There was a police officer sitting outside the door.

The day passed. Kathrynne would go to Nicole's room for fifteen minutes, then go out and sit in the hall, while they

let her mother in. Then she'd go back. This went on all afternoon. Ricky and Sue came over. Ricky had come back from Wyoming for her father's funeral on Friday past, and he was still here, and now he stayed in the Intensive Care waiting room and kept journalists away. The reporters were all being held downstairs, but one woman snuck up to Intensive Care, just a girl who sat there all day long with a knitting bag on the floor and they never knew she was a reporter. After about three hours, she said to Kathrynne, "Are you Nicole's mother?" Kathrynne just looked at her and didn't answer, paid no mind. The girl then said to Kathy ~~Kathrynne~~ ^{Aunt}, "Are you Nicole's family?" Kathy said, "Yes, please don't bother us." But the girl asked, "Does Nicole have any brothers and sisters?" That was when Kathy got it. She said, "You're a TV reporter," and Kathrynne realized that when the girl started to talk, she had leaned down to her knitting bag and turned on something. Kathrynne now went berserk and ^{the} ~~to~~ girl got right out.

Charles wasn't even going to come. Kathy called him when they first heard the news, but he said he wouldn't show, Kathy called him again. He didn't want to be involved. He didn't give a shit, he said.

Then, to Kathrynne's surprise, Charles popped over around 3 in the afternoon while Kathrynne was over at the Springville

apartment. There was a new nurse on, who said Mr. Baker had been there and broke down, just went all to pieces when he saw Nicole, and he left. Later, Kathrynne found out that Charles went over to Pleasant Grove and stayed there with Angel and Mike for the rest of the day and night.

Kathrynne hung in. She couldn't remember eating anything. A little after midnight, she called some of the elders she knew in the Church and they came over and prayed with Kathrynne through the middle of the night by Nicole's bed, anointing her head with oil, putting hands on her forehead. They prayed to God to bring her through. They could not do it in the name of the Church due to the fact she had tried to take her own life, but they did ask the Lord to heal her on the basis of the faith of all the rest of the family.

About four a.m., her mother took her home and Kathrynne stayed up with Charles, until about 10 which was when he took her back to the hospital. In all those hours, she had no rest. She kept calling the hospital to see if there was any change.

By the next day, so many reporters had called downstairs that Kathrynne was obliged to go in and out of the hospital

982

wearing a long, blond wig.

Deseret News

Singer leaves message for Gilmore: Fight

Nashville, Tenn. (AP) Nov. 16--Country music star Johnny Cash says he tried to call Gary Gilmore at the Utah State Prison to urge him to "fight for his life" only minutes after the convicted murderer was found unconscious in an apparent suicide attempt.

Cash said a call from Gilmore attorney early Tuesday morning had prompted him to call the 35-year-old convicted killer, who has said he wants to die before a firing squad.

"I don't know what I would have told a man who was planning to take his life," Cash said. "Sometimes it helps, sometimes it doesn't. But I would have tried to talk him out of it."

Cash said Gilmore's attorney, Dennis Boaz, contacted him here Tuesday morning. "He told me Gilmore was very depressed, that he liked my songs, and thought it might help if I would talk to him," Cash said.

The singer said his first impulse was not to get involved. "I told him (the attorney) I wasn't looking for any publicity. I thought I had better mind my own business. Who needs that kind of publicity?"

When Boaz persisted, saying his client wanted to see Cash or visit him, Cash said he decided to call the prison.

50.

Brenda found it one of the most mind-blowing experiences she'd gone through in a while. The moment she heard the news, she phoned the hospital in Salt Lake and kept calling them

every hour, but all they would tell her was that he was still alive. Brenda would say, "If I come to the hospital, will you let me in?" They would reply, "You better be with the governor if you want to get through." She asked if she could talk, at least, to one of the nurses who was taking care of him, and they finally put a woman on. "Would you please," she said, "tell Gary that Brenda called and that I'm thinking of him dearly. I'd love him to fight for his life." She never knew if that nurse passed on the message.

For a long time, Brenda had thought there'd be time to make up, but now when she realized she might not ever see him again, she thought to herself, I've got to get back in his good graces.

Up at the hospital, they had about decided that Gary had not made a real attempt to kill himself. By their best calculation he had taken maybe half of a lethal dose, 20 capsules, about two grams. The way they figured it, three grams represented a fifty percent lethal dose, that is half the people who took such an amount did die. Since Gilmore was a big man, the chance of doing the job with two grams was not high. Besides he had taken those pills just before the morning check. That was also suspicious. To the degree they could measure it, Nicole had swallowed the same amount many hours earlier and was, naturally, in much worse condition. After

all, she hardly weighed one hundred pounds. He weighed nearly twice as much. Of course, he could have psyched himself up to believe his dose would be fatal. That was about the size of the speculation among the residents and the nurses.

Warden Sam Smith was being interviewed.

INTERVIEWER: Does it appear now to be a drug overdose?

WARDEN: That was our original assumption and that's still our assumption, some kind of injection.

INTERVIEWER: Did you find any containers, any bottles, indicating what he might have taken?

WARDEN: I have no information that any were found.

INTERVIEWER: Any ideas as to how he may have gotten the substance?

WARDEN: Well, there's a number of possibilities. He could have accumulated his own medication, saved it up, ingested it; he could have obtained it from possibly other inmates living in maximum security, it's possible he could have obtained it from those that have visited him.

INTERVIEWER: How easy would it be for someone to take drugs in to the men?

WARDEN: Well, it's virtually impossible to prevent someone from hiding something as small as drugs on their person or in a cavity of the body.

INTERVIEWER: Aren't people searched, though, when they go in and see him?

WARDEN: Yes, the people are given a skin shakedown but that does not mean that you can explore every cavity of the body and ascertain that there is no medication.

INTERVIEWER: As the man responsible for Gilmore's well being and safety, how do you feel about what's happened today?

Earl Dorius of the Attorney General's
• File was naturally concerned how the drugs had
Reached Gilmore in the prison and he phoned the warden for
information. Sam Smith told him an investigation was being
conducted, and the prime suspects were Nicole Barrett, Dennis
Boaz, and Gary Gilmore's relatives, Vern Damico, Ida Damico,
and Brenda Nicol. Dorius thanked him for the information.

When Gibbs heard of the news, he thought back to a dis-
cussion he had with Gary one day on how to smuggle drugs into
Maximum and remembered the advice he had given about balloons.

That night when Big Jake came on duty, he told Gibbs
how the prison officials were stupid. Why, the Provo Police
had kept a close eye on Nicole and they informed the prison
that she had picked up two prescriptions of Seconal the day
prior to these suicide attempts. Yet they still didn't give
her a real search, said Big Jake. He looked at Gibbs and added,
"I'll bet you educated him on how to smuggle stuff inside."
Then Big Jake put on a big grin and walked off.

Deseret News

Most letters urge clemency

Nov. 16-- . . . A Minneapolis man asked why
Gilmore should be singled out for execution
when other convicted killers live.

"Former Lt. William Calley, convicted of
the 'premeditated murder of not less than 22
Oriental human beings,' is now walking the
streets," he wrote.

Ironically, George Latimer, chairman of the
Board of Pardons which will decide Gilmore's
fate, was Calley's chief civilian defense
attorney.

Deseret News

Nov. 16--The Daughters of Wisdom in Litchfield, Connecticut, speaking of Gilmore, said, "We believe he is meant to do something worthwhile for mankind. He needs time to find out what that something is."

Deseret News

Nov. 16-- . . . Max Jensen's father, David Jensen, an Idaho farmer and stake president in the LDS Church, said, "His death made us feel sad, but it's something we are accepting. We sure wouldn't want to trade places with Gilmore's parents."

987

VII TASTE

1.

On Monday evening, while Nicole was writing the letter to her last will and testimony, Larry Schiller drove out to the International Airport in LA to buy a copy of ^Newsweek. Schiller knew that airports received magazines a day earlier than the average outlet, and sometimes, working on a story, when he wanted to get a hold of a magazine a few hours ahead of his competition, he'd even look up the local news distributor.

Schiller spent part of Monday evening going over Newsweek's cover story on Gary Gilmore. It told him there were five people's rights he would have to buy. Gary's, obviously, and Nicole's made two, but Monday night, for the first time, he heard of April Baker and decided he had better get her as well. Then he read Brenda Nicol's name in the article, and saw she was responsible for getting Gary out of jail. That could be a key link in the story. Brenda's rights had to be obtained. He didn't know she was

13
12/13
988

Vern Damico's daughter, or even related to him but Vern was the fifth name on his list.

First thing Tuesday morning, he called Lou Rudolph at ABC, and told him of his great interest in the story. There were a lot of different ways to do it, Schiller said, and quickly laid out a number of different possibilities. Schiller started that way because he had learned a long time ago that in television you had to sell the executives on the subject first. They just thought that way. You had to establish that yours was a bona-fide television subject even if you did not obtain all the rights. That accomplished, you could proceed to outline the options. If, for example, they got Gilmore's okay without Nicole's, they could work up a scenario of a guy who comes out of prison and struggles with his old con habits until he finally kills a man. It could be a real study of the pains of getting out of jail. That way they could do capital punishment and whether a man had a right to die, and never need to touch upon a love story.

On the other hand, said Schiller, if they got the girl,

but couldn't succeed in signing up Gilmore, they might do an interesting struggle of two sisters both in love with the same criminal. They'd have to substitute a fictionalized criminal, but they could still explore the triangle. Or they could focus completely on Nicole and turn the thing into the study of a young girl who had been married twice, was saddled with children, and then fell in love with a criminal, and show the problems with her family when this is the man she chooses. Skip the murders, but emphasize the romantic difficulties of trying to live with a man that society does not trust.

Schiller was not trying to tell Rudolph which story was right or wrong, he made a point of saying. He wasn't passing judgment on the relative merits of these separate scenarios. He was just saying you could bypass Gilmore, make it a woman's story, and still have something of value.

No sooner had he hung up, than the radio was informing him that Gilmore and Nicole (and) tried a joint suicide. Immediately he booked a plane ticket to Salt Lake. At the airport, he called Rudolph again to tell him that another alternative, again assuming they couldn't get the rights to Gilmore, was to do a study of a girl who wanted to die

1138

1139

990

and so entered into a suicide pact with a criminal, thereby looking for a romantic, even a starstruck, way to solve an unendurable problem.

Schiller repeated that he didn't know which one of the four or five was going to be the way to do it, but he was sure of the potentialities and he needed real backing from ABC. He wanted them to finance him in a real way, not the hotel bills or airplane fares, Schiller said, because that, Lou, he could always do on credit cards, no, Schiller wanted backing to get in there and deal for Gilmore. He would call again from Salt Lake.

He might have known. The moment that attempted suicide hit the media, not only was Larry Schiller on the plane, but everybody else was heading for Salt Lake, ready to check into the Hilton where each of the media monkeys could watch all the other monkeys. There were going to be a lot of monkeys in that zoo.

From stories that got back to him, Schiller knew he was well-known in the media for his impatience and his funds of energy. He always grinned when he heard such stories. They protected his secret weapon. It was that he had patience. He didn't

et

1139
991

tell people about it. He cultivated the opposite image. But he didn't mind being in situations where he just had to sit and wait. Give him an airplane trip or a waiting room. If you counted the years from the age of 14 when he began to make money by becoming an expert on skid-marks, he had, by his own estimate, been running like a maniac for close to 25 years. So he didn't mind sitting now on occasion.

His father, who once managed the Davega store in Times Square, and knew enterprise when he saw it, bought him a Rolleicord and a police band radio, and Schiller would hear accidents come in on the radio and then get on his bike and ride to the scene. If it was miles away, and he got there after the vehicles had been removed, he could still photograph the skid-marks. Then he would sell the prints to the insurance companies. He could point to this as apprenticeship for getting to the scene.

Schiller broke in at Life as one of their youngest photographers, covered Krushchev at the United Nations, and Madame Nhu in a convent, was at the Vatican when the Pope died, and took a picture of Nixon crying as he lost to Kennedy, a famous picture. He knew how to outfit a jet as a photo lab, and could travel for days without a suitcase. He syndicated the Fisher quintuplets' story and photographed the Alaska earthquakes, Dallas and Watts, the Olympics and covered the trial of Sirhan Sirhan. He reported income over six figures before he was 24, and got awfully tired of photographing different heads of the same body. *et al*
~~graphing different heads of the same body.~~ He was conceivably the best one-eyed photographer in the world--lost the sight of the other in an accident when he was five years old--but he got

1144
1140
992

tired of walking into people's lives, shaking their hands, photographing them, walking out. He left Life and went into producing books and movies and fast magazine syndications on stories that weren't small. Did Jack Ruby on his deathbed, and Susan Atkins in the Manson trial. He got a terrible reputation. He was the journalist who dealt in death. He ^{published} ~~did~~ a book, Minimato, about mercury poisoning in Japan, he ^{directed} ~~wrote~~ the still montage in Butch Cassidy and the Sundance Kid, cut Lady Sings the Blues, produced and directed The American Dreamer with Dennis Hopper, and a book on Lenny Bruce with Albert Goldman. He won an Academy Award in Special Category for The Man Who Skied down Everest. It did not matter. His reputation was that he dealt in death.

Sitting on the airplane, resting for an hour, after 25 years of galloping from explosions to cover portraits, from riots to elections, sitting in one place with the fatigue of 25 years embedded like skid-marks in his limbs, sitting on this plane full of media monkeys heading for Salt Lake, Schiller thought it through. This story would not help his reputation, and yet he could not let it go. It irritated the nerve in him that never gave up.

So far, in two quick trips to Salt Lake, he had come up with empty hands on this story. He was not accustomed to such meagre results. On instinct, he had gone to Salt Lake just ten days after Gilmore announced he would ~~go~~ appeal, but he found nothing. Boaz had just arrived on the scene, and Boaz had little interest in him. Boaz was dealing with David Susskind.

1111
BY
993

Schiller read over the telegram he had sent two days
ago to Gilmore.

NOVEMBER 14

GARY GILMORE

UTAH STATE PRISON, BOX 250

DEAPER UT 84020

ON BEHALF OF ABC MOVIES, THE NEW INGOT COMPANY, AND CHARLES
FRIES PRODUCTIONS, WE WISH TO PURCHASE THE MOTION PICTURE AND PUB-
LICATION RIGHTS TO YOUR TRUE LIFE STORY FROM YOU OR YOUR ELECTED
REPRESENTATIVES STOP OUR OWN CREDITS ARE 14 YEARS OF MAJOR MOTION
PICTURES AND 6 BEST SELLING BIOGRAPHIES STOP MORE RECENTLY WE PRO-
DUCED THE HIGHLY RECEIVED FILM "HEY I'M ALIVE," THE TRUE LIFE STORY
OF RALPH FLORES, A MORMON LAY PREACHER, AND A YOUNG GIRL WHO
CRASHED IN A LIGHT PLANE IN THE YUKON AND SURVIVED 49 DAYS WITHOUT
FOOD STOP THIS FILM ABOUT FAITH IN GOD AND CONVICTION WAS PRAISED
BY THE MORMON CHURCH AND VIEWED BY OVER 30 MILLION POEPL STOP
AMONG OUR OTHER CREDITS IS "SUNSHINE," THE TRUE STORY OF LYN HELTON
A YOUNG MOTHER IN DENVER CO WHO GAVE HER LIFE AT A YOUNG AGE IN
RETURN FOR TIME WITH HER DAUGHTER STOP THIS STORY OF THE RIGHT TO
DIE ISSUE AND STRENGTH OF CONVICTION WAS VIEWED BY OVER 70
MILLION PEOPLE AND THE BOOK IN HER WORDS WAS READ BY OVER 8
MILLION PEOPLE STOP A COPY IS BEING SENT TO YOU UNDER SEPARATE

11/11/44

994

COVER STOP WE WISH TO PRESENT YOUR STORY AS TRUTH NOT AS
FICTION STOP I HAVE SEEN MR. BOAZ AND NOTED TO HIM THAT I
WOULD CORRESPOND WITH YOU STOP I LOOK FORWARD TO HEARING FROM
YOU OR YOUR REPRESENTATIVE STOP PLEASE CALL COLLECT AT ANY
TIME, AREA CODE 213-550-8119 STOP SINCERELY YOURS
LAWRENCE SCHILLER

There had been no answer. His telegram might just as
well have gone into the dead letter bin at the post office.

He went out to see Vern Damico at the shoe store in
Provo and Vern wasn't there. He bumped into a couple of
local reporters in Salt Lake and said I'm not here to com-
leter with you, just like you to tell me who is what in this

city, and how do you get into the prison. But they weren't getting in to see Gilmore either. Schiller heard of Nicole, only she was nowhere to be found. He kept missing her at the prison.

Those first and second trips to Salt Lake, Schiller was hitting stone walls. ~~Boaz became the only clue to the story,~~
~~and it scared Schiller meeting Boaz. He could feel Gilmore,~~
~~whizzing him up to the point where nobody could deal with~~
~~anybody.~~ *step*

~~Afterward, Schiller took another trip to Provo and ran~~
~~into more stone walls. He couldn't find the story. He got~~
~~into his rented car and drove from Provo to the airport in~~
~~Salt Lake ready to go back to L.A. and on the drive, staring~~
~~down from the Interstate, said to himself, if I can't find~~
~~the story, then nobody can find it. But if nobody can find~~
~~it, then it has to be a good story. He couldn't stop~~
thinking about it.

So ~~it was that~~ the moment he heard news of the double suicide attempt, the moment those words came over the radio, Schiller said to himself, there is a story and it's real.

Since it's real, it has, in this case, to be fantastic.

At the Hilton, it looked like the crowd of press had expanded from 50 to 500. The foreign press was beginning to come in. The British in numbers. When the British arrive, en masse, then the stamp was on the meat. The story would have the largest worldwide ring.

Schiller made a few phone calls. His luck seemed to have changed from cold to hot. He reached Vern Damico on the first ring, and had a good talk, and asked Mr. Damico's opinion of where he might locate Nicole. Damico seemed to think she'd be at the hospital in Provo, and Schiller made an appointment afterward to meet and talk with Vern Damico. Schiller got into his rented car. The monkeys would stay at the Hilton and exchange theories on the crime, but he was on his way to the hospital in Provo.

The waiting room was small and had a lot of people. Schiller went up to the desk and asked for Nicole Barrett, and they acted as if they had never heard of her. He went around the corner, and put a call in to the hospital administrator, and asked if any of Nicole Barrett's relatives could be located quickly, and the administrator said they were coming in and out all the time. The mother's been here,

997

Schiller was informed, but she's not here right now. Schiller sat down in his heavy brown coat and prepared to wait. It was a hot waiting room, but he was comfortable. Gilmore was in the hospital, under guard. Gilmore was out of it and could not be reached. Back in Salt Lake, the monkeys would run back and forth, trading information, but there was nothing in the story that counted now except Gilmore and Nicole. Since he couldn't get to Gilmore, he would wait to make contact with Nicole. It was very simple to Schiller.

There was no anxiety about sitting there for hours. Other reporters would be on the phone, checking back to hear what was going down, but Schiller sat and relaxed and let the heat of the room pour over him and the fatigues of twenty five years perspired slowly, a drop and another drop from the bottomless reservoirs of his fatigue, and he sat there quietly thinking, and let his sins and his errors wash over him, and he reviewed them. He considered it obscene not to learn from past experience.

2.

His worst sin, his number one error, he usually decided, was the Susan Atkins story. He had been in Yugoslavia when

718
1106
~~1111~~
998

the Tate-LoBianca murders took place, but six months later, driving down the Santa Monica freeway, news came over the radio that a girl in prison named Susan Atkins had just given information on Tate-LoBianca to her cellmate. Next day, Schiller learned that one of her attorneys was Paul Caruso. Caruso had written the contract for Billy Woodfield and himself on the sale to Hugh Hefner of a Marilyn Monroe nude. It obtained the highest price ever paid for a single photograph up to then, 1963, \$25,000. So, Schiller called Paul Caruso and told him that Susan Atkins' story could be sold around the world, and would help to pay for her defense.

Schiller was brought in to see Susan Atkins in between her two appearances before the Grand Jury, and Susan Atkins confessed the murders in a series of three connected interviews. He sold it all over the world. Then it was reprinted in America. Suddenly Susan Atkins was no longer the State's star witness. They had to find another star witness because Susan Atkins now had a vested interest in her own story. Schiller had destroyed the State's star witness.

Schiller was sick to the stomach over that, but it took him years to acknowledge it. It came upon him little by little. He was asked to dinner one night by a famous lawyer and couldn't understand the invitation until he saw that six

712
1172
(999)

eminent judges were also there. They wanted to hear why a journalist would do what he had done. It was a very intelligent dinner, and he was delighted to sit with such fine and serious people, but unhappy to realize he'd been fucking them over.

Later, he sold the Susan Atkins story to New American Library for \$15,000, a quick sale for a quick and rotten book, a way of liquidating his embarrassment, but it didn't liquidate so much as proliferate. Newsweek interviewed him about the book and he said, "Look, I published what Susan said. I don't know whether it's true or not." Newsweek ended their article with that quote. "I don't know whether it's true or not." It made him perspire under the arms to think about it. He learned one lesson he would never erase. The secret of class and substance and proper living was to remain accurate to the facts. Schiller called it history. You recorded history right. If you did the work that way, you were respected for it.

So when Helter Skelter came out, he said to himself, "Schiller, you really fucked up. With the profit you made on the original sale, you could have done a definitive study of the entire Manson family. You threw away what should have been an important book." It was embarrassing to recol-

lect. He even had to appear ^{in court} to testify on how the Susan Atkins interviews took place. When the judge said to him, "How would you characterize your occupation, Mr. Schiller?" he had replied, "I believe I am a communicator." The whole courtroom laughed. They thought he was a hustler. The memory burned into the skin right under his beard. "I believe I am a communicator," and the courtroom laughed. He would do this one differently. He would lay a proper foundation for every corner of this story.

Never again, said Schiller to himself, sitting in the waiting room, do I make that mistake. And he sat, and he waited in the heat in his ^hheavy brown coat, and the hours went by.

~~There was a bearded guy at the other end of the room. Schiller with his black beard and the other guy with his blond beard, eyed each other. After an hour or two, a girl came in who knew the other beard and she went over to him, and Schiller was listening. The girl was media, he soon found out, and she was bawling the shit out of this fellow. Schiller could pick up that his name was Jeff Newman and he was from the National Enquirer, and the girl was saying, "You knew she was going to attempt suicide and you sat on it. You and your fucking newspaper." It made Newman so upset, he got up and went out. Now, Schiller went over to the girl and~~

1001

said, "I'm Larry Schiller, representing ABC television." She turned on him like an eagle, claws out, said, "You, too! Don't you understand?" Schiller didn't even know her name. She was a local stringer, but she was carrying on with what she had to say. It was that the men didn't give a damn about the women, and yet the women were killing themselves over the men. Schiller nodded and got away as quick as he could. This girl would be no well-spring of information.

Then a tall young fellow who had been in and out, in and out, and looked grief-stricken, came back again. The fellow was so shook he had to be Nicole's brother, that is, if she had a brother and Schiller went up and introduced himself but it was apparent he couldn't communicate now so he sat down again and waited, and another couple of hours went by before he saw a woman standing at the candy shop next to the waiting room. She was thin and small-boned, had her hair in a bun, and looked like a very tough western woman who could have walked across the plains. By the expression on her face--such iron fatigue and held-in sorrow, he knew it had to be Nicole's mother (although later he found out it was Nicole's grandmother, and Nicole's mother wasn't even forty yet) but he didn't know then so he wrote a note to introduce himself as Lawrence Schiller and said he was here to discuss the events that had been taking place in their lives in

~~1002~~
1002

relation to the motion picture and book rights and he would appreciate a meeting with her or her authorized representative, an attorney (it was always better to say "authorized representative" before "attorney" so they knew you weren't suing) and that he was prepared to pay Nicole a minimum of \$25,000 for her rights. That was a figure to open the door.

Then he went over to the woman and said, "I'm sure you're Mrs. Baker, and I am, as you will see in this note, Lawrence Schiller from ABC television. This is not the time and place, but when the occasion is right, I would appreciate it, if you would open my note and read it." Then he turned around and walked out of the hospital. A contact had been made.

3.

When the front page story in the New York Times came out on November 8th, Susskind found himself fascinated. For a front page piece, he thought, it was well written and gave a good description of the murders, the man's sentence, and his decision not to appeal. When you put that together with Gilmore's previous criminality, it all suggested a fascinating scenario.

Now on this day, shortly after the article caught his eye, almost immediately thereafter in fact, his old friend and

1003

associate Stanley Greenberg called, and they had a good conversation. Stanley had written Metamorphosis for Susskind years ago, a TV story about a man in prison awaiting execution. The man had waited so long that he changed in character, and the question became, "Who was the man they were executing?" That play had been on television fifteen years ago, and David Susskind always felt that he and Stanley had had some effect on the end of capital punishment in New York State, and, perhaps, a little to do with the Supreme Court decision that made the safeguarding of a convicted man's life inviolate forever. "Of course," Stanley said now to David, "inviolable and forever simply means till the next generation. Then you have to do it all over again."

Greenberg was a man of some poise and decorum, but Susskind could tell he was aroused. "Listen, what fascinates me about this Gilmore case," he was saying, "is that it's an open commentary on the utter failure of the criminal justice system in this country. It's a demonstration that our prison system fails to rehabilitate anybody. Why the guy's been in and out his whole damn life and he just keeps getting worse. It all escalated from car stealing up to armed robbery with a dangerous weapon. That's a devastating commentary on the utter failure of our prison system," said Greenberg. "Secondly, it could offer a wonderful statement about capital punishment and

1004

how godawful it is, eye for an eye. I even think that doing this story and reaching a large audience can probably save the guy's life. Gilmore says he wants to die, but he's obviously out of his head. So I think our production could be a factor in the man not being executed." That appealed to Susskind. "They can't execute this man," he said to Stanley, "he's deranged. He's insane. They should have understood that way back."

They talked a long time. Finally Susskind said to Greenberg, "Why don't you go to Utah? I think enough of this story is unique. It's got several layers of importance and interest and I think it could make very exciting, dramatic material. If, on investigation, you find it holds up, and we can get the releases we need, we might have something interesting here."

Greenberg couldn't go right away because of his contract at Universal, but each day they talked to each other, the thing was getting bigger, and Susskind began conversations with Boaz. He quickly decided Dennis was not your typical lawyer.

One time Boaz boasted, "I've got releases from everybody. Got them all." He kept talking about how he had locked up everything, and Susskind called Stanley Greenberg and said,

1005

"Boy, this is a very odd attorney. However, he's got his eye on the money machine."

Dennis had said, "Look, I can't cooperate if you don't put your evidence of good faith on the line. Money," said Dennis, "is not to be considered not of the essence," and he giggled. "What do you want?" asked Susskind. "Well, now," said Dennis, "it's getting to be a world wide case." "How can I," asked Susskind, "be sure you have all the releases you say you have?" "Well," said Dennis, "you have to start somewhere. You better start by trusting me. I have exactly what I told you I have. If you don't believe me, there are ten other people out here who want it. It's just that I like your reputation, Mr. Susskind. I'd like to give you first crack at it." Then he stipulated what he wanted. It amounted to a goodly sum, in the neighborhood of \$50,000 for the rights of all the principals involved in the case, and he asked Susskind to put that into a telegram, which David did and sent it off.

Susskind also enclosed a legal package, with a contract in it, ~~in it~~, and release forms. Boaz might have told him that he had it all, but when Susskind asked him in what form the papers were, Dennis said, "One and two sentence quitclaims and releases."

1006

"Oh, look," said Susskind, "that doesn't work at all, You're going to have to use established legal forms, waiver of rights for the payment, and all such. It has to conform to what we do in the motion picture and television business."

Dennis said, "I don't understand why you have to have all that folderol."

"It's not folderol," said Susskind, "it's of the essence. People can change their minds. A one or two sentence release probably contains language too loose to bear up under scrutiny. I'm sorry, I have to send you release forms." He did. Susskind went to his lawyers and they sent off the package.

4.

By pure coincidence, Stanley Greenberg arrived at the Salt Lake Hilton on the afternoon of the 16th, the day of the double suicide saga, and so precisely the busiest day of the month if you counted activity by the media waves. Having no idea this was all going to happen, Stanley had telephoned the day before from Kensington in California, where he lived just north of San Francisco, to confirm his appointment with Boaz. Under the circumstances, in all the brouhaha at the Hilton over the event, he never expected the lawyer to keep his date. To his surprise, however, Dennis did show up, and just late enough to ^{have given} give Stanley Greenberg time to look care-

1007

fully at the network news at six o'clock, then, to his astonishment, Boaz showed up right afterward at his hotel room door. It was a curious meeting.

If not for this suicide attempt, they would almost certainly have met, Greenberg thought, as adversaries, or at the least, he would have felt obliged to deal with Boaz as a bizarre specimen of a lawyer willing to kill off his client. Now, however, Boaz seemed to have gone through a considerable shift of opinion very quickly. Their conversation was more productive than Stanley could have hoped.

As he explained to Boaz over the course of a drink, his hackles went up about a week ago when it became apparent by reading the San Francisco Chronicle that there was a real danger of Gilmore being executed. Stanley explained how he found capital punishment personally repugnant, even abhorrent. He simply couldn't sit around and let it happen. This might seem a considerably romantic and over-dramatized reaction, he remarked, but he had felt obliged, nonetheless, to gather his forces, ^{and had been} with ^{apparently to get together with} David Susskind who was the right producer to be associated with in an endeavor like this.

His credentials established, Greenberg was now ready to discuss the Gilmore case with Boaz. He left off by saying, ^{then} he just didn't see where any criminal had the right to demand what

1008

society do to him. In fact, by his lights, a criminal had no more right to demand capital punishment than to demand his immediate release. It was society, after all, that set the rules.

Dennis, who had been looking oddly subdued, given Stanley's preconceptions of him, now seemed fired up a bit by the possibility of discussion. He replied that Gary wasn't demanding anything. He simply didn't want to appeal. Appeal law was based on the premise that nobody wanted to be executed, and so it offered all sorts of possibilities for relief, but Gary didn't want to pursue those possibilities.

It wasn't that simple, Greenberg argued back. The Supreme Court had said that capital punishment could be resumed, but only if certain legal steps were taken. The question here was whether the State law in Utah happened to be in compliance with any of those steps, not whether Gilmore wanted to go through those steps, ^{or not,} that was irrelevant. If you were going to execute people, said the Supreme Court, it was important to kill them only under guarded and truly hedged-about circumstances.

At this point, Dennis looked gloomy again and said that he wasn't so sure he had done a very competent job. In any case, he stated, his feelings were undergoing a radical change. Up to now, he had supported Gilmore's plea for the death pen-

Chuk

1010 9

alty, because he felt Gilmore had a right to determine his own life. Now, however, push had come to shove, and in a certain way, he had realized for the first time that Gary was actually going to die and he was feeling too much emotion about that to want to be a part of the process.

Greenberg now had the impression that Dennis was slightly stoned. His feelings of inadequacy certainly began to pour out. Greenberg even found himself liking Boaz more than he expected. ~~He was a man one could even find on some levels quite attractive, sort of a free spirit. On the other hand, of course, he was extremely and obviously disorganized, and certainly not the sort of attorney one would want to entrust one's fortune or one's future to. Still, he was likeable, so likeable.~~

"Have you been in touch," Greenberg asked, "with the local ACLU?"

Now, hosts of feelings poured forth. Boaz, no, had not become involved with them. It had been against his client's wishes. ~~His client (and this peculiar melange of right wing ideas and left wing feelings. Gary hated blacks, for instance, but that, Boaz explained, was because they were a dangerous majority in a prison. All the white prisoners were in danger of being raped by the blacks. Gary also hated the ACLU. That was because they preached freedom of the individual but yet~~

10

1009

~~couldn't give him the liberty to choose his death. So, no, he,~~

~~Boaz, had gotten in touch with [redacted] But [redacted] new motions.~~

BUT ~~and come to him~~ Just an hour ago, talking to: Gerald Rivera, **ABC,**
~~had had a brilliant conception. He would need some help~~

with it, some formidable backing in terms of paper work. There were many motions that would have to be filed, for which he would need a Utah lawyer. Plus other resources. So he wanted to get in touch with the ACLU now. When Greenberg encouraged him, Boaz called up a representative from the ACLU named Judy Wohlbach and she agreed to come over to the room for a drink.

It was an odd meeting. Before it was over, Greenberg decided it had to be one of the bizarre conversations of all times. He never caught the name of the man who came with Judy Wohlbach, although it was obviously her husband or a confidante, but before long, he found himself in the middle of what he thought was going to be an absolutely marvelous dramatic play. He simply couldn't have imagined it better. ~~This thin, vibrant, intelligent woman, very high strung, very liberal, very suspicious of Boaz on the one hand, and on the other, there was Dennis pouring out his soul at how he had been harassed by the legal community and threatened by the Utah Bar, not even to mention the pressure coming from the prison where he was the number one suspect for smuggling in Seconal to Cary.~~

~~Boaz didn't break down and weep but there were tears in~~

1011

~~his eyes from time to time, and it was hard to know if he was
more worried about himself. "I'll take a polygraph test to
prove I didn't smuggle any drugs in," he said almost immedi-
ately or more worked up over poor Gilmore, dying, for all
they knew, in Salt Lake right now, and Nicole somewhere else--
was she also dying?~~

Here, Greenberg thought, is this mad, churning young lawyer, and then this Judy Wohlback glaring at him. She might be nearsighted, but she certainly stared at Dennis as if he were a specimen. She was completely distrustful of the auspices. Even the extra drinking glasses, and the little bar in the corner must have looked to her, under these circumstances, sinister.

Stanley could hardly blame her. It was obvious she had brought her husband for protection against Boaz. Reading about him in the newspapers, she must have seen him as some sort of hippie hustler or semi-criminal mentality; now, there he was before her, agitated, smiling, arrogant, suddenly modest, then dejected, then haranguing her. ~~Imagine what he would be like at the time of less agitation~~

Almost immediately, Dennis began to offer Judy Wohlback this impossibly attractive and hopeless notion. He wanted the ACLU to help him in getting Gary to want to live. Gary would have such desires, he explained, if he could have Nicole. So Dennis wanted to get him transferred to a medium security prison

in some state where they would allow Gary and Nicole connubial visits.

Oh, it would work, he exclaimed. Nicole could get a job in the local town and bring up her children. On weekends they would have their married life, two nights a week. That could give Gary a motive for living. Why, if the court really understood what a fine person Gary was, they would do it. Gary could write and draw, Cottage incarceration was what he was talking about.

Greenberg noticed that Boaz was now happy again. It was apparent: Give him an original idea and some remote possibility of achieving it, and he couldn't be happier. It didn't matter if the conditions were unattainable--just give him that novel approach to the pursuit of happiness, and he became happiness itself.

Judy Wohlbach didn't seem very impressed, however. Dennis had ended his presentation by saying that of course the ACLU should provide all the necessary services to accommodate this legal action. When she shook her head, Boaz suggested she help him out personally. Judy Wohlbach gave him a speech back. She was alone in her practice, she said, and just starting out. The ACLU in Utah, in case he didn't know, was very

under-funded. They didn't have access to the best legal brains, or secretarial staff.

"Don't you want him to live?" asked Boaz.

Have you looked, she inquired, into the ways that his life might actually be saved? She began to talk about relevant law in Supreme Court cases, and civil rights procedures under Federal and State law. When Boaz admitted he had not read these cases, nor knew their names, she shook her head, then Judy Wohlbach asked him if he had read Gilmore's psychiatric file. In reply, Boaz became critical of all this husbanding of ACLU resources. Why was she not forthcoming? Why did she emphasize the legalistic rather than the humanistic? Greenberg couldn't believe his good fortune: what a play!

Boaz now added with pride that he viewed himself largely as a man of literature, rather than a lawyer lost in procedure. "In the Renaissance, man knew he could be a poet and a lawyer both."

"Well," said Judy Wohlbach, "think about ^{which} what hat you're going to wear and stay in touch."

Showing Judy and her husband down the hall, Stanley Greenberg felt obliged to remark, "I really don't believe Boaz is the person to represent Gilmore in this situation."

Yes, thought Greenberg afterward, if the life was to

1014

be saved, Dennis Boaz would be better out of it.

As soon as they were all gone, Greenberg called Susskind and said, "It's fascinating, and it's ugly, and it's complicated.

~~Transcribed from videotape of Good Morning, America,~~
broadcast on ABC network on November 17, 1976.

GERALDO RIVERA: Dennis Boaz. . . a man who up until now has supported his client's wish for the right to die. Dennis, welcome. You've argued in court, sometimes eloquently, that Gary Gilmore deserves the right to die. Do you still believe that?

DENNIS BOAZ: (long pause) I believe he has the right to determine his own fate. I can no longer support, uh, the execution by the state.

GERALDO RIVERA: Are you saying that you've changed your position, Dennis?

DENNIS BOAZ: Yes.

GERALDO RIVERA: Why?

DENNIS BOAZ: (long pause) Well, yesterday was a moment of truth for me, and I had a remarkable emotional experience which I reflected upon. And. . .

GERALDO RIVERA: Are you saying you came to the realization. . . what, tell me. . .

DENNIS BOAZ: Well, I see there's some possibility for. . . Nicole and Gary (his voice sounds shaky here) perhaps to be together, and as long as I can see that possibility, know it's there, I know Gary would want to live and Nicole also.

GERALDO RIVERA: After the discussions we had yesterday, and we talked for a long time, you don't

1015

to the mother of the finacee. She was mad at Dennis for bringing a yellow rose from Gary to the hospital.

Susskind agreed. The story, after all, rested on Gilmore's past deeds, not on what was said and done now. Susskind remarked it was sufficient to be in partnership with a writer as gifted and brilliant as Stanley. It was the story he wanted and Stanley was there to get the foundations for that. He certainly didn't need to add a relationship with anyone there. No necessity for shaking hands and becoming acquainted with Damico and the others. Why when he acquired the rights to Eleanor and Franklin by Joseph Lash, he happened to know a few of the Roosevelts, Elliot, James, and Franklin, Jr., in particular, but he hadn't tried to go around and meet any others, he hadn't personally intervened and said, "I'm David Susskind. Let me tell you why I should get the rights." The thing to do, if necessary, was to send a lawyer.

Deseret News

Nov. 17, Salt Lake--Gary Gilmore's date with Utah State Board of Pardons passed today while the convicted murderer lay conscious and shackled in a hospital bed. . .

Meanwhile, Nicole Barrett, Gilmore's girlfriend and apparent suicide pact partner, is in critical condition at Utah Valley Hospital.

Gilmore has not been told of Mrs. Barrett's condition and has not been allowed any visitors

1016

to his guarded hospital room since regaining consciousness.

When Gilmore returns to prison he will be moved to tighter security cell, will have limited communications, and won't be allowed any physical contact with outside persons, Smith said. . .

Dennis Boaz, Gilmore's lawyer, in his interview with ABC today, said he can no longer support Gilmore's quest for execution. "Yesterday, Tuesday, was a moment of truth for me. I see that there's some possibility for Nicole and Gary to be together. As long as I can see that possibility, know it's there, I know Gary would want to live," Boaz explained.

1017

VIII ENTERPRISE

1.

Condense

As soon as the first story came out about the suicide attempt, the phone started ringing at Tamera's apartment, and she began hearing from people she hadn't thought about in years. Every time she came back to the office, there were messages and notes, and by the next day it was even worse because that night, on the news, it was mentioned that Tamera Smith's story was being syndicated all over the world. People kept telling her that some of the biggest reporters in the country were here in Salt Lake, and yet she had scooped them all. Next day, a fellow from the New York Times wanted to interview her, and then ^{people from} Time again, and Newsweek. It got to be pretty standard that if somebody came to town and was working on the case, they wanted to talk to Tamera as soon as they checked into the Hilton. Dying to get background from her on Nicole. She got a lot of free lunches that week. It gave her mixed emotions.

1018

Kind of exciting, of course, that these network people and big magazine people were all asking her to lunch and even to dinner, but one little side of her wanted to escape. Mully from Philly left town that week to go hiking in the mountains, and that's where she wanted to be, just leave it all, let the world stay down in Salt Lake and chatter.

Salt Lake Tribune

Nicole's Mother Calls Slayer 'Manson Type'

Nov. 17--Gary Mark Gilmore, the condemned killer who attempted to end his own life in an apparent death pact with his fiancée, Nicole Barrett, was described Wednesday as another "Charles Manson" by Mrs. Barrett's mother.

stet

It was only after Gary had been at the hospital for 24 hours that the tube was taken out of his lungs. He had been awake for several hours, but they left it in until they were certain he could swallow on his own. Then he was given oxygen by mask, and it was recorded that he was expectorating moderate amounts of phlegm. When they examined his throat, he said, "You're violating my privacy."

Next he wanted to know about his fiancée and her whereabouts. He was alert, he was awake, he was agitated, and

1019

now he was refusing care. When he told the nurse to get out, they put him in restraints. Then he refused to take a breath, and nearly turned blue before he would open his mouth. He became extremely abusive to everybody. Refused injections and other treatment. When the nurse tried to give him a needle, he spit in her face. Then he demanded to have the monitor that was making a record of his heartbeat, removed from his chest. He demanded fiorinol for his headache. When the nurses tried to talk to him, he refused to carry on a conversation. On his hospital chart they wrote, "Spiteful, revengeful, obscene." After the intern removed the trachial tube, Gilmore sat up, and sputtered, and said, "I'll fucking well get you, mother-fucker."

The nurses discussed his case. Most people who overdosed were not at all like Gilmore when they woke up, but passive and withdrawn. Gilmore was coming on exceptionally strong. It was dangerous to get within reach of him. "He looked," said one of the girls, "like the demon that got into Linda Blair in the Exorcist." He sure was different. Other suicides were so depressed when they came out of it. After all, they had taken the overdose in the first place because they were depressed. They didn't want to live. With Gilmore, it was more like he had wanted to die. Really wanted to die, felt frustrated now.

1169

1020

Provo Daily Herald

Attorney Surprised Doctor Thinks Suicide Attempt Only 'Gesture'

Salt Lake City (UPI), Nov. 17-- Dr. John Woods, a psychiatrist who helped prepare the court-ordered psychiatric evaluation of Gilmore, said he felt the killer's action was a "gesture" rather than a legitimate attempt to take his own life.

"He's very, very impulsive," Dr. Woods said. "I don't think it represents depression. People with his type of personality structure act impulsively and dramatically and would do this sort of thing." He said a "suicide gesture" is an attempt to get attention and publicity.

When Dennis got on Geraldo Rivera's Good Morning America, he was still in a very emotional state. He didn't cry, but it hurt his own feeling for his public image that people who hadn't even seen the show were saying that he had. On the other hand, a few friends saw the show and said he certainly appeared shaken when he announced that he couldn't support the execution any longer. Even as he said it, he had this uneasy feeling he was really burning the bridge with Gary.

2.

During all these rides back and forth to the hospital, Kathryn had one drive with Charles that brought back old

memories. Neither was saying much to the other, but she was feeling close to Charlie, not really close, but kind of near after all those years lived together. She started to think about the night she met Charlie at the roller skating rink and then dated him all summer. He lived just a block and a half away and worked at the carnival and he was just 16 and she was 14. They went together 3 months and never even kissed. Didn't need to talk, they got along so well. The one day they decided to get married, they talked Kathryn's mother into driving them to Elko, Nevada, but the Justice of the Peace didn't believe Charlie was 18 and said, "If I make a long distance call to your mother, how will she answer my question?" Charlie started to stammer. "Well, I don't know," he told the man. Justice of the Peace said, "You better go and call her. Tell her I'm going to phone." He was obviously advising them to get Charlie's mother to lie, just a tiny little Justice of the Peace, a hunchback.

Charlie's mother, however, started screaming over the telephone, which made Charlie finally speak up and say, "Knock it off, Ma. The Justice of the Peace is going to call. You tell him I'm 18." That was how Kathryn remembered it.

Same day, they drove back to Provo, and Kathryn felt silly. She was just turned 15, and they didn't know where to go. Her mother said, "Charlie can sleep on the couch,"

1022

and Kathy even said "No, no, he's not staying here. He got to go home." Charlie actually did that first night. Kathyne figured getting married meant that she could go to the movies when she wanted without having to take orders.

The following morning Charlie came over with his friend George, and they went riding around all day in George's car, until Kathyne told Charlie to have her home at 10 p.m., which he did. The following night, he and his friend came over again, and since George was older and had been around, he began to tease Kathyne and finally drove them over to this motel called, Back of the Pine-Trees. Charlie got out to get a room and Kathyne started carrying on, at which point George said, "Well, you're married to him, so go on up." "I'm not," said Kathyne, "you take me home." "I'll tell you what, Nicky," George said--they used to call Kathyne "Nicky" after her middle name, Nicole--"I'm going home, and you can go with me if you want, or you can go with him." Kathyne had no choice. She jumped out and there she was all along outside the motel. Nothing to do but go in and say hello to Charlie. God, they were kids.

They'd fight and make up, fight and make up and one time in one of those fights, he enlisted in the service and they didn't even find out she was pregnant until later. She had had

so many periods she missed that she never even noticed this real miss until later. When she started to feel a lump in her stomach moving around and getting larger, she thought, I bet I got a tumor. She had heard about a woman her grandma's age who had a tumor. She went to the doctor by herself, really scared, and when she found out it was a baby, she nearly died of embarrassment. The doctor said, "Are you married?" She didn't have her ring on because the one Charlie had bought was too big, and he was waiting for her to grow into it. So when she said she sure was married, the doctor didn't believe her, and when he asked where her husband might be, she said he had just finished basic training, but then the doctor asked her where Charley^{is} was stationed, and she couldn't even remember the name of the fort she was so nervous. Just said, "He's in the Army. Somewhere, you know." That doctor was so positive she wasn't married that when Charlie came home on leave a couple of weeks later, Kathryne just hauled him right down there with her for the second medical exam.

The way Charlie looked at it, he and Kathryne had been married so long, one of them couldn't start thinking about something without the other falling into it. They could ride along in parallel like two mules in traces, each thinking the same damn thoughts. Looking back on it now, thinking about their marriage and all the bad years after, all those years

1024

and never sure he did get to like her, he couldn't tell himself now what interested him in the first place. He still got mad thinking how Kathrynne told him they must get married because she was pregnant. Pretended she didn't want to marry, and boo hoo, but her mother sat them down, and said they had to do something about it, married or something. Charlie had said, "Well, it don't matter to me."

In about a few hours he had decided to be a man about it, go ahead, and they went up to Elko, Nevada. His mother was so mad on the phone, she said, "You made your bed, sleep in it," and by the time he found out Kathrynne wasn't pregnant, by God, she was. The hell of it was that he even enjoyed it for a while. It wasn't the worst marriage for all those years, just that every time he wanted to get divorced, damned if Kathrynne didn't start bawling, until he'd say, "Forget about it, you know."

Of course, his luck was typical of his life. In the infantry, what they do but put him in heavy weapons, so he was a gunner having to carry all that extra weight, and in law, over the years, he must have dropped a total of \$500 to different lawyers for starting a divorce. She'd start crying and saying, "What am I going to do. Can't raise the kids by myself. I need you," things like that. He'd back

1025

out every time, and lose his down payment to the lawyer. By the time they reached the hospital, Charlie was in a thorough state of gloom and practically had the shakes. Once again, he couldn't hang around. He tried to sit in a seat and think about Nicole and how much he used to love her, but, damn if he wouldn't see Uncle Lee getting drunk, and he felt ready to kill Lee, that greedy child-molesting bastard.

There was a yellow rose at the hospital on the first day signed, "Gary^f". There was a yellow rose the second day. Gary's name was on it again. Kathryne finally figured out that Dennis Boaz had sent it, but it didn't matter. No rose was going into Nicole's room with Gilmore's name on it. Anyway, they were no sooner in the door than Charlie began to move around restlessly, standing up and sitting down in the waiting room and looking at people as if he didn't know whether to glare, or bust out, or bawl, and finally he said that he had just driven down there for her, and now he had to leave, and Kathryne settled in for another vigil.

One fellow came up and said he was from the National Enquirer, and Kathryne got him mixed up with Jeff Newman with whom Nicole had made some sort of financial arrangement. So when this fellow said they needed a better picture of Nicole, that all the pictures they'd seen so far of Nicole

1026

were terrible, and what was needed was something complimentary to do her justice, Kathryne remembered a picture she had taken at Midway Island when Sissy was pregnant with Sunny, and said, "You can put the head part of it in your newspaper. Use her face but that's all." Nicole happened to be looking real pregnant and was in a swimsuit. Her face was pretty there, but her big pregnant bod was the last thing Kathryne wanted printed right now. An hour after the fellow took it, Kathryne found out that he wasn't from the Enquirer at all. Some paper she'd never heard of. They got the picture for nothing.

3.

~~In the afternoon, Earl Dorius received a call which told him to be down at Judge Ritter's court by four. Earl wasn't about to have heart trouble, but this news was enough to give him a jolt. The message had been from Don Holbrook, attorney for the Salt Lake Tribune, and one lawyer Earl respected immensely. Holbrook told Dorius that the Tribune was filing a suit in Federal Court for the right to enter the prison and interview Gary Gilmore. Earl only had an hour to get ready to argue before the toughest federal judge in the State of Utah, and conceivably the toughest and--at 79--the oldest federal judge in the nation, a choleric personality if ever,~~

see

1027

... "A primary purpose of capital punishment is to deter other similar crimes," the complaint says. "Refusing to permit the plaintiff to interview Gary Mark Gilmore and to inform the public of the effect of a sentence of capital punishment upon a convicted man directly conflicts with the purpose of capital punishment and results in a deprivation of life for no reason and therefore is in violation of due process of law."

It got to Earl that he could read what the attorneys for the Salt Lake Tribune had done, but there was no mention that Earl Dorius had pled the case for the prison, said this and that, and won.

Salt Lake Tribune

Neighbor Says Nicole a Good Mother

Springville, Nov. 18--A neighbor Wednesday called Nicole Barrett a good mother who "kept her children as clean and as well fed as is possible with two of them under five."

Mrs. Sherry Shepherd was one of two women who attempted to revive Mrs. Barrett after she had taken an overdose of barbiturates Tuesday morning.

4.

When Larry Schiller finally got together with Vern, the meeting took place in Ida's living room. Schiller

1028

Vern

came prepared to make an offer to Damico, even though ~~he~~ was not yet Gary's representative. Nonetheless, Schiller liked the idea. Once Vern delivered the offer, he would be a representative, de facto. Gary would be dealing with him.

Schiller wanted to strike the right effect and just the right effect at this meeting. Under his dark brown winter overcoat, he was wearing a safari suit the color of a camel's hair coat, and a brown tie with a stripe in it. ~~This mode of dress went back to his life when he would go out on a job with one set of colors, that is, take all brown suits, or all blue, so he wouldn't have to worry about contrast and matchups. On this trip, he had besides the camel-hair colored suit, a tweed and a dark brown and his parka which of course, he would not wear for this occasion. The mixture of~~ browns was perfect. Blues would have been too cold, too much like court. The brown was somber, warm, business-like, substantial. The photographer in Schiller wanted himself set in a field of colors reminiscent of family gatherings and cigars.

stet

Right off, soon as they got down to business, he told Vern that he would offer a total of \$75,000 for all the rights, and that he felt Nicole was worth 1/3 of that, since without Nicole there was no story. In effect, he was offering Gary \$50,000. He added that no matter what happened, he would not offer a penny more. This was a firm offer, he said, and not a bargaining point.

#80

1029

Schiller knew, of course, that he had already passed way beyond the \$40,000 ABC had given him to deal with. But, it was impossible to come in with 40 in this market. He would get around to telling ABC later.

Schiller proceeded to spell out why the figure was \$75,000. "It is," he said to Vern, " the economics of motion pictures that dictate this offer." He had brought ammunition with him in the form of Xeroxes of Francis Gary Powers' contract, the Gus Grissom story contract, and Marina Oswald's. These were his samples and he spread them out on the table in front of Vern and said, "You pick whichever one you want and take a good look at it. These contracts have been negotiated by the best lawyers in the country. Certainly," said Schiller, "Marina Oswald had the best lawyer available. So did Francis Gary Powers. This is not to put you down, Mr. Damico, but the lawyers writing these contracts for Grissom and Powers and Oswald were people who knew more about profit-sharing, more about percentages, and more about how much money can be made with a given film than people like yourself, or for that matter, Dennis Boaz. What I am trying to tell you is that no matter what anybody offers, you take a look at the figures in these contracts right here. There are the real prices available. Susskind is tell you that this property is eventually worth fifteen million dollars, but I say you will never see *ol*

~~1030~~

1030

a piece of that. He is offering a small amount now and talking about a big piece eventually. The likelihood is that the big piece will never materialize. I, on the other hand, am willing to give up money right away. I am not offering it on the commencement of principal photography two or three or four years from now. I'm willing to gamble right this minute. I am taking the chance, not you." When he saw that Vern Damico had picked up one of the contracts and was looking it over, studying it somberly in his big hands, Schiller added, "I've come today with three monumental things to offer. The first, as I have stated, is the amount I'm willing to pay, cash on the barrelhead. The second is that I will make you my promise that I will stay in this town, and I will work on the story of Gary Gilmore from here. I am not going to buy the rights and then vanish to New York and operate from New York. I'm not wealthy yet. I'm not like David Susskind who has already got it made. No," said Larry Schiller, "I'm still climbing the ladder, so I'll be here to work on this story, here to give you advice, and the day I don't deliver, is the very day you have reason not to trust me."

"What is the third thing?" asked Vern.

"The third," said Larry Schiller, "is whether you are really going to allow 50% of this money to go to a stranger.

Blood, I should think," he said, "is thicker than water. I don't know how Gary is thinking of providing for his mother, but if half of this money is to go to Boaz, then Gary's mother will be getting a percentage that is half the amount she's entitled to. That's going to bring a lot of heat down from the press."

All the while Schiller had been talking to Vern Damico, he had been changing his impression of Gary Gilmore. It was as if he had been given another look at Gary. As Vern started talking about Gilmore, reflecting on his days in the shoe shop kind of wistfully, saying he was a good hard worker, "but I never knew how to get the best out of him," Schiller began to think that Damico might be sincere. He certainly had no reason to impress Schiller. Damico knew he was not a member of the press, yet he still spoke warmly about Gary as if there had been an awful lot of good stuff which got fucked up. That cheered Schiller. It would make for a better story than just having some clever con who used and abused everyone. About the time Vern showed a little wit and became a character in his own right, Schiller was getting happier. That he had to obtain this story was fundamental; he wanted this story from his spinal cord out. But that he might even like it, was certainly a most agreeable bonus. Every minute he sat there with Vern, he could feel Boaz losing it. In fact, he felt even better than that,

as if the very shape of the day was working for him. That morning on ABC, he had seen Boaz with Rivera, and Boaz had made a major blunder. One idea Schiller had had about Gilmore from the beginning was that he would not put up for long with anybody who represented him coming off like a fool. "So," Schiller said in conclusion, "if I were you, I'd get a lawyer. In fact," said Schiller, "I don't want to make this offer to you in formal terms until you have a lawyer. Then I will lay it out with him. If you take my advice, you will pay the lawyer by the hour. I've seen," said Schiller, "where lawyers get all the money in these things."

On the way out, Schiller left his number. He did not say that it was only a phone booth in Walgreen's Drugstore at the main intersection of Provo, and that the girl behind the soda fountain was his local secretary pro tem. He had made an arrangement with her to take his messages. He could, of course, have used his number at the Hilton in Salt Lake, but such calls went through a switchboard and you never knew which of a hundred reporters might intercept the message. He could have had people contacting him through his secretary in Los Angeles, but using the Walgreen drug store was an easy way for local people to reach him with a local call rather than tackling long distance. Sometimes simple people hesitated to go through the complications of area codes, operators and calling collect.

1033

Deseret News

Gilmore Recovers, Returns to Death Row

Nov. 18--Gary Mark Gilmore, having recovered from his suicide attempt, was returned to the Utah State Prison today to await the outcome of his plea for death. . .

More than 3 dozen reporters and a dozen hospital workers were on hand to watch the handcuffed man with tousled hair get out of the wheel chair and into the brown prison car.

Gilmore, looking weak with an ashen face, scowled at his audience as he got into the vehicle's back seat. He made an obscene gesture at the reporters who peered at the condemned man sitting in the car.

A protective motorcade of 3 prison cars and 2 law enforcement vehicles escorted Gilmore back to the Utah State Prison in Draper.

There, the arrival was greeted with cheers and whistles from other inmates behind the prison walls. Gilmore was taken directly to the prison infirmary where he will be watched constantly to avoid a reoccurrence of Tuesday's suicide attempt. . .

Schiller was present when they moved Gary from the hospital to the prison. After Gilmore was driven away, reporters rushed to their cars and chased the police down the highway to prison. Schiller didn't follow. There would be very little at the prison end, and he had gotten what he wanted.

He had seen Gilmore face to face. Of course, it was at a distance of ²⁰~~30~~ feet, but that had been close enough to in-

1034

creased his interest. When he watched him on television, Gary had not looked like a killer, but coming out of the hospital this morning, being lifted down the steps, appearing sunken and gaunt in his wheelchair, he had looked a little like a cripple. His face was full of hate at what life had done. It was the livid, vindictive look of a cripple who could kill you for sheer outrage at how life had ruined his chances. Gilmore looked like he'd like to leap up at everyone staring at him, and, in fact, as he rose out of the wheelchair, and got into the car, he turned around, looked out the window and gave a wide, very thin-lipped grin at the press, a mean and merciless look, after which he raised his middle finger slowly in the air as if to implant it forever in each witness' ass. Immediately, he turned around as if not even interested in the reaction, and looked straight ahead. He was preparing to go to the next place. Looked cold as a general. He had had his little moment, and Schiller said to himself, that man could stick a knife in you and have the same smile while doing it.

4.

Cline Campbell had gone out to the hospital in Salt Lake, but they wouldn't let him in. Now that Gary was back in the prison, Campbell visited him in the hospital ward, and it was

good to see that Gilmore wasn't chained to the bed. They had just let him up for lunch, and, in fact, he had thrown his blanket to the floor and was sitting on the floor, going through some mail that had accumulated.

He said in greeting to Campbell, "Help me here," and tossed him some letters to read. He was in a crosslegged position, Indian style, with his white prison clothes on. They chatted for a few minutes before Campbell said, "In a way, I'm sorry it didn't work, because it would end this great trial for you. But I'm still glad you're here." Gilmore just cursed. Then he smiled--didn't smile, exactly, but said, "I'll do it sooner or later."

He looked at Campbell who said, "Yes, I know, I know you're serious. Still, it's better not to kill yourself."

"Why?" asked Gilmore.

"Because," said Campbell, "you can test the law. If you kill yourself, nothing's been solved. Force them to the issue."

"The law means nothing to me, Preach."

"Well, then," said Campbell, "there's two families in Provo that are not taken care of, and it looks if you do it right that you're going to have enough money to make some contribution to the children."

Gilmore nodded. Campbell couldn't tell if he agreed. He changed the subject slightly. "Hey," he said, "if there

is a God, and I believe there is, I'm going to have to face him." He nodded again. "I know this creation we live in doesn't end up for nothing. There's got to be something over there, and I'm going over. But," he added, "I'll come back on a higher plane."

Campbell said, "what if you come back as a prison guard?"

Gilmore said, "Oh, you dirty son of a bitch."

They began to laugh. In the middle of it, Campbell thought, "I laugh more with this guy than anybody."

In the investigation

~~The prison had been in London since last summer, above~~
~~their efforts~~ to find out who had passed the drugs to Gary,
~~and~~ the present belief was that it pretty much had to be Nicole Barrett. For that reason, they were probably going to have to let the matter lie. It was a little hard to prosecute a girl who had almost died herself and would probably be sent to a mental hospital. On the other hand, the prison had no concrete information and so no particular reason to terminate the inquiry. So long as it was kept open, that gave a couple of advantages, one of which was to keep the pressure up on Dennis Boaz.

After the overdose, therefore, the prison isolated Gilmore from visits with physical contact. That put Boaz, as well as Vern and Ida Damico, behind glass. ~~He that infuriated~~

~~Boaz. He threatened to sue. He claimed he had the right to be next to his client and filed a suit with the Utah Supreme Court and tried to call in two attorneys from California, but of course, they weren't allowed to plead in the Utah court. Boaz then did a press conference right out in the lobby outside the Attorney General's office saying he was taking it to the Supreme Court. When the press asked Earl what he thought about it, he said, "Let Mr. Boaz sue, I'm ready for him." Then, to his surprise, Boaz withdrew the lawsuit next day.~~

5.

Deseret News

Topic: death
Nicole bared heart to DesNews reporter

By Tamera Smith
Deseret News staff writer
Copyright 1976, Deseret News

Nov. 18--Death and suicide were the main topic in convicted killer Gary Mark Gilmore's conversations with his girlfriend, Nicole Barrett, in the week preceding suicide attempts by both.

Nicole confided these conversations to me. In a series of intimate talks we had in the tension-filled week, she shared her many letters from Gilmore, spoke of how he had encouraged and reassured her about suicide, and discussed candidly her own feelings about dying.

Now my new friend lies near death in a Provo hospital while all the world watches. . .

I had a source no one had been able to reach up to that point. My emotions were mixed. I cared about her as a person and like anyone in my profession, hoped for a story from her. But I didn't want to pressure her or nudge her into a corner where she didn't want to be.

As I saw her come out of the prison, levi-clad, sweater in hand and smoking a cigarette, I asked about her visit and our conversation began. As we got in my Volkswagen, I left the radio off so that it would be silent if she wanted to talk-- and it seemed she did.

"There are knots in my stomach when I first go to see him," she said, "but I feel better afterwards. He is so strong, so much stronger than I am, and he always reassures me and makes me feel better."

Nicole felt as if she was completely surrounded by beautiful soft darkness. She couldn't even acknowledge her body. Everything was blackness around her. Then a hole came in, a little hole. It was white. It kept getting larger, and she kept trying to close it, but the hole kept opening. It was whiter than white. Now she could see doctors' faces, and the little mirrors they had up over their forehead. The hole kept stretching, and she kept trying to close it. As if she were in a dream, she kept fighting to close that fucking hole. She wanted to close it so bad she began to weep.

Kathryne and Rick had gone out to get something to eat, and Sue Baker was there drowsing in the waiting room of Intensive Care, when she heard Nicole screaming, "I don't want to be here. I'm not supposed to be here."

The door to her room swung open and the intern came out and shouted for a nurse and a doctor. Then they were all moving back and forth for a few minutes, and going in and out of Nicole's room for maybe an hour--Sue was listening with the kind of attention you'd give if you were waiting outside a delivery room waiting for a baby to cry.

Then she could hear Nicole shouting, "Fuck you, I want my cigarettes." It was a lot of babble and yelling and the intern was trying to talk to Nicole, but he finally came out, and said to Sue, "See if you can do something."

When she went in, Nicole said, "I'm supposed to be dead, I'm not supposed to be here." Before Sue could grab her hand and squeeze it, the intern was back with help, and they were doing some more.

By the time Sue came in again, they must have told Nicole that Gary was alive. She was in a different mood and said to Sue, "Let's talk about happier things. How's that little boy of mine?" "Right," said Sue. Now Nicole wanted to walk, and Sue was all for that, and the intern agreed. So Sue walked her up and down the halls. Nicole acted wobbly because her legs were so tired she could hardly make it, and she said,

"Doesn't this remind you of the night I was drunk, Sue?"

They thought back to a couple of nights when they were both drinking, and Sue felt beautiful that Nicole was up and talking and she said, "Listen, lady, how could you do this? I need you too much, you know."

Nicole said, "I need you, too, but I wanted to be with Gary." Sue answered, "Well, you're here now. You're not getting away again." Nicole sighed. "Aw, I'm not," she said. Then she walked a little and kind of winked, and said, "I'll try it again if I have to."

By the time they called Kathrynne and she got back to the hospital, Nicole was asleep once more. The next time she opened her eyes, however, Kathrynne was there, and she said, "Oh, Ma," and they started crying. "I didn't give him enough," Nicole said, "I knew I didn't give him enough." "He's just fine, Sissy," said Kathrynne. Nicole started crying and began to pound the covers. "I didn't give him enough. I knew it wasn't enough for such a big man. Why didn't I think--he's so big." "Look, Sissy," said Kathrynne, "if God wanted you, you'd be gone. You know, it just isn't your time. He doesn't want you yet." "I don't want to live," said Nicole. "Listen baby," said Kathrynne, "God has too much left for you to do before you can go." Nicole just laughed, and then she began to cry, and she said, "Oh, Mama."

Gibbs received a letter from the Salt Lake Police Department. It was from a detective who was in charge of the case that he was being held on, and this detective knew that he and Gary had been cellmates. Gibbs opened the letter and there was nothing in it but a newspaper cartoon of a man lying in a hospital bed. The nurse beside him was saying, "Mr. Gilmore, wake up. It's time for your shot." Standing at the foot of the hospital bed was a five man firing squad.

Knowing Gary's sense of humor, Gibbs decided to send him the cartoon. ~~With it, he wrote Gary a letter telling~~
~~sent this detective and his morbid sense of humor. In 1970~~
~~this same detective, Ken Haldeman, had shot and killed a good~~
~~friend of Gibbs'. Later Haldeman said to him, "Gibbs, I~~
~~didn't mean to kill your buddy. I aimed for his heart, but I'm~~
~~such a bad shot, I hit him right above the eye."~~

Just then, a newsman on the radio said, "Dr. L. Grant Christenson says Gilmore can leave the hospital and return to death row if he continues to improve."

Gibbs laughed so hard he almost emptied his bladder. It sure made him wish Gary was right there laughing with him.

6.

Since Gary was just back from the hospital, they had

him in the hospital infirmery at Medium Security, and Vern had to talk to him through a telephone with Gary on the other side of a plate glass window. It was an unusual sensation to talk to a man that way, but for Vern, with his bad leg, it sure beat walking all the way out to Maximum Security.

Straight out, Gary said, "Vern, would you take care of things if I discharge Boaz?"

Vern said, "Well Gary, I don't know as I can do it. I'm a shoemaker. I'm not an attorney."

Gary said, "With your business ability and with my brains," --he gave a big smile as he said this-- "we can do it."

That was it. That was all they said about it then. Right at the last, as Vern was getting ready to go, Gary said, "Know how to shake hands through the glass?" and put his open palm on the windows. Vern touched it on the other side with his palm, and they wiggled fingers back and forth. A prison handshake.

Brenda was also there on that visit, and it was more emotional for her. Gary was looking weak, thought Brenda, like a lot of the fight was out. He looked humble, in fact, as if he wouldn't want to stand for long. Brenda, however, decided to sail right into him, so she said over the phone, "Gary, you old shithead. Looks like you pulled through."

He kind of snickered and said, "You haven't changed any."

Brenda said, "Still mad at me?"

He said, "Well, I don't like what you did," to which Brenda replied, "I don't give a damn. I did what I had to do. I supposed you did what you had to do." She paused for breath and said, "I love you and am glad you made it." Then she added, "Are you going to do something stupid like that again?"

Gary said, "No, I don't think so. I don't want to feel like this anymore. I have a hell of a headache."

There was a guard standing by, and he was having a con-niption. After Brenda gave the phone back to her father, the guard walked up and said, "I wouldn't dare call him anything like that. He's mean. He'll kill you soon as look at you."

Brenda said, "Yeah, he probably would."

The guard said, "Why would you call him an old shithead?"

Brenda said, "Cause that's what he is right now."

The guard said, "I'd be scared to death to talk to him like that."

"God," Brenda said, "he can't hurt you. Look at him. He's locked behind a door and he's in a weakened state. He

couldn't hurt a pussycat."

The guard said, "Well, I wouldn't bet on it."

Back at the window, Brenda couldn't stop herself now. The guard might just as well have egged her on. She said, "Hey, Gary, how come you didn't take enough to do the job?"

"What makes you think I didn't?" said Gary.

"If you had," said Brenda, "you'd have been dead."

"What in the hell," said Gary, "are you trying to do? You know I really meant to do it right."

Brenda said, "You know more about drugs than that. I think you knew just what you were doing."

Gary started to tuck his lip in. She had the idea it was to keep from snickering. Finally, he said, "Well, I might know one of my cousins would pick up on that, but you just forget it."

Yet, in the way he said it, she was confused, because he was perfectly capable of letting her think she was right when she wasn't. Gary liked to toy with her head.

It made Brenda mad and she said, "I think you're being a revengeful lover. That's selfish. What about those two little kids?"

"Oh," said Gary, "somebody would have taken care of them."

"You know, you're cold assed. You really are. You wanted

to stay awake long enough to find out if she was really dead so you could make sure she didn't have another lover."

Gary said, "I am a jealous lover."

"Don't you know, Gary, there's a real possibility that she'll be damaged in her brain."

"Impossible. I don't even think of that," he said.

"Come on, Gary, isn't that what you wanted? If she has brain damage, nobody else is going to want her."

"That's cruel," said Gary.

"I think you're an asshole," said Brenda. At that point, she knew she'd gone too far.

Gary said, "You have a very vile and dirty mouth."

They started to stare at each other, and it got to be quite a contest. Even across the hallway, which had to be eight to ten feet wide, and through two panes of glass, Brenda could feel some of the heat coming out of his eyes, and she thought to herself, I'm not going to let him outstare me this time, not when he's half dead and there's all this protection between us. But, it went on so long, she finally remembered his favorite theory and quoted it to him on the phone, looking him in the eye, "An honest man will look you in the eye, but the soul of a man will try to convince you of his lie." At that point, Gary began to laugh and said, "God, Brenda, you sure are a mess."

They laughed together just a little bit like cousins again. It wasn't perfect, but it wasn't altogether bad either, and he gave her a wink before they said goodbye. On the way out, when she put her hand on the glass, she said, "See you. I love you," and he wiggled his hand from his side and said, "I love you," which was the first time he had said that in a long time.

Deseret News

Profile of a Wasted Life

Nov. 18— . . . Gary Gilmore has an extreme keen mind and a brilliant intellect. With minimal education he has a remarkable grasp of our history and culture and has very broad reading and cultural interests.

Through the study of psychodiagnostics, in which the writer has specialized, it is possible to draw conclusions from a person's art efforts some clues to the state of his personality. Conclusions must be based on many kinds of evidence, of course, but some times such art will indicate brain damage, psychosis, or at least anxiety.

In Gilmore's case, there is no such evidence. In picture after picture, we see remarkable coherent, organized, and disciplined work. In this writer's judgment, these are not the product of a crazy or psychotic mind.

Salt Lake Tribune

Gilmore Remains in Spotlight, But What About Victims?

1047

America, and he was still feeling shaky. He also felt as if the warden was acting particularly vindictive. Dennis went to Sam Smith's boss, the head of the Board of Corrections, Ernie Wright, a big man who looked like he ought to be wearing a white Texas cowboy hat, and Dennis said, "Look, Sam Smith is treating me inconsistently," and listed his various woes. The head of the Board of Corrections looked back at Dennis and said, "Well, frankly, Mr. Boaz, we don't trust you." Stared him blankly in the eye like he had just squashed a fly on the wall. Then, he added, "I don't care what the warden's doing. He can continue doing it." Dennis was beginning to feel the jaws of the vice.

7.Dennis Boaz

Since they weren't allowing him contact visits, he was now reduced to talking to Gary through a telephone across a hallway from the prison infirmary. For that matter, he was sure the phone was tapped. And Gary was considerably less friendly. He'd ask, "Did you say on Rivera's show that you can't work for my execution any more?" and when Dennis confessed he had, Gary looked at him through the infirmary window, and said, "I don't appreciate that." Dennis could hardly blame him. He was feeling embarrassed over all that emotionality himself. "Well, I'm sorry," he said, "I still feel I can help you, you know." He was damned if he was going to say, Go ahead and fire me, Gary.

1048

Now, Gary started to query Dennis about expenses. He had found out that \$1,000 had come in, \$500 from the London Daily Express and \$500 from a Swedish interview and he wanted to know why Dennis had told him it was \$250, not \$500. Dennis tried to explain. "You said I should be your financial manager. You said you were reckless about money, so I held back the amount. I only told you it was \$250 and I gave you \$125. Then you asked me to give that to Nicole, plus another hundred and twenty five. That practically takes care of your half of the Swedish interview."

Yes, but Gary wanted to know, what about the other \$500 that came in from London."

"Gary," said Dennis, "everything I took, went to expenses. There are a million things. The phone bill is probably going to be \$100. I haven't cheated you." But there was a bad air between Gary and himself.

Back with the press outside the prison, Dennis had never felt more like talking. "I'm a character in this thing I'm writing," he said to them, "so I don't plan out everything I do. I'm being acted upon by the real author of these events. Whoever or whatever that is. I can tell you, I almost got fired today! Whew! It was close. Still, I talked Gary out of it. He knows how to go with the flow."

"Today, what do you think of the suicide today?" he was asked.

"Gary and Nicole tried to do it in their sleep, and not be particularly noticed," Dennis said. "It was non-violent. Really mellow. Like Romeo and Juliet, they took ^{an} poison." Dennis thought the tragic aspects of this relationship, if properly emphasized, could raise Gary and Nicole into the media's Romeo and Juliet. Then every card he wanted to play would increase in value. He would get them connubial rights yet. America's sweethearts. A wonderful grim irony. People responded to grim irony when it surrounded tender sorrowful circumstances.

*West,
there to do an article for News*

"Don't you think," said Barry Farrell, "that if Gilmore isn't executed, he'll slip right back in with 424 other condemned men and women? A lot of them may be more tragic and gripping in their stories than Gilmore."

"Gary is the only one," said Boaz, "who has the courage to face the consequences of his act."

"Is that," asked another reporter, "how Susskind is going to do the film?"

"Susskind," said Dennis, "has chosen a sensitive, dignified screenwriter, named Stanley Greenberg, to write it. Ask one of them."

"Is Schiller in it?" asked Farrell.

1050

"Schiller," said Boaz, "sent a telegram to Gary. It was his way of going around me. Now Gary feels I'm not telling him about all the offers. I have to say, however, that Schiller is getting input to Gary and that makes me wonder where all the bad vibrations are coming from."

"So far as we can see it, Dennis," said another reporter, "you are fighting for Gary's right to be executed, and at the same time you are trying to save his life. Square that up, will you."

"Oh," said Dennis, "the Declaration of Independence guarantees the right to life, but only if you haven't been brutalized by the system. I think they ought to declare an amnesty for all prisoners on death row, and start over. How do you like that one?"

"Realistically, Dennis, come on."

"Gary would love it," said Boaz, "if he could be with Nicole. Get him into a place where they could be together, right?"

"Name a prison in America with connubial rights."

"Since their story has become international," said Dennis, "transfer them to Mexico. The real obstacle is to convince Gary to live. He's depressed right now, but if I keep going on Geraldo Rivera and Tom Snyder and get people thinking in this new way, they can start demanding that Gary live. Legislators will have to listen."

"Will Gilmore listen?"

"Wait a second," said Dennis, "we're trying to establish something. If Gary has to wait six months, but knows that eventually he's going to be with Nicole, he'll do it. My impression is that we're winning people's hearts with this case. When you inspire people and get into their emotions, you've got them. Definitely, definitely. It's heavy. A thorough-going trip. We will have a revolutionary government by 1985."

"Are you predicting that within six months Gary will be living peacefully with Nicole in minimum security?"

"Or medium security," said Dennis. "Within a year at the outside. There will be a place for them. With the profits from the story, he'll be able to pay his own way, too. That will please the taxpayers."

"Will he pay for his own guards?"

"It's not as far-fetched as you think," said Dennis. "My proposition would seem preposterous, if it were not for the coincidence of today's news. Patty Hearst's father has bought her a private prison on Nob Hill. Think of it. Give Gary a little space, and he can do his art and write."

"You're tooting, Dennis," said Barry Farrell.

"You watch."

"I'll watch," said Farrell.

Farrell

"What do you think of Schiller?" ~~he~~ he now asked. It was

a bad question for Dennis to answer, nothing to gain by the reply, but he didn't like to disappoint Farrell. He was impressed with him. Very Scotch in appearance for a man with an Irish name. Tall, good-looking man. Tall enough so Dennis could talk to him at a familial level. Wore tweeds. Nearest thing to a British gentleman among the press corps, thought Dennis. Pepper and salt goatee, and those old Life credentials. ~~Farrell had been a writer for Life magazine for many~~ years.

Dennis vaguely remembered reading Barry Farrell's column in Life on alternate weeks with Joan Didion. Life must have been trying to bring some literary class to the people. That's what the real problem was always about, thought Dennis.

~~He decided to use Farrell as a super pipeline. So he~~ said, "Schiller is a scavenger, a carrion bird, a snake."

Susskind had just gotten a phone call from Stanley Greenberg telling him that he had decided to leave Salt Lake City. He was feeling a little discouraged.

"It's getting to be a terrible mess," said Stanley.

Then Boaz called. "Listen," he said to David Susskind, "I'm being wooed by a lot of people. I think I was too easy with you. I can do much better monetarily with somebody else. Do you wish to revise your bid?" Susskind said, "No, I don't wish to. ~~Who are you dealing with?~~" Boaz said, "A guy named ~~Larry Schiller.~~" "Well," said Susskind, "I know Mr. Schiller."

1205

1053

~~as an entrepreneur who put together a project that became a book about Marilyn Monroe, that's the only way I know him. I don't know him as a producer of films and television, but if he looks better than me, do it with him. I'm not raising the price." The story was getting to be, in Susskind's view a very sensational, malodorous, exploitative mess.~~

~~Nonetheless, he called Schiller. Susskind was not in love with the idea of working with Larry Schiller, but he called him anyway and said, "What are you doing here? You're throwing money and figures around, and that poor guy, Boaz, is dazzled. I don't understand it. Are you now in the film business?" "Yes," said Schiller, "I am."~~

~~"Look," said Susskind, "you're not a producer. You're a promoter, an entrepreneur. Somebody, some day, is going to have to make this film. That's not your cup of tea."~~

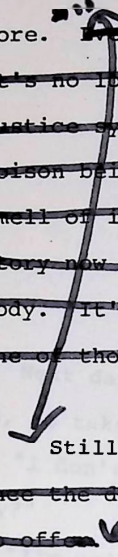
~~"I am a producer," said Schiller. "I don't consider myself in your league but I've produced some movies you don't even know about."~~

~~He was pretending to be modest, thought Susskind, but he sounded pretty arrogant, pretty tough, on the phone. "Well," said Susskind, "I think you're being unrealistic, but maybe you'll be lucky. Maybe you'll get the whole thing."~~

~~"I certainly hope so," said Schiller."~~

Susskind spoke again to Greenberg and Stanley said,
"I wouldn't feel too badly. It's not what we hoped it would

be." Susskind agreed, "I don't think I'm going to bid any-
more. ~~Everybody's getting kind of crazy and greedy there.~~
~~It's no longer a story about the breakdown of the criminal~~
~~justice system. It's getting to be a farce, the girl's suicide,~~
~~poison being slipped in." They agreed they didn't like the~~
~~smell of it. Stanley said, "I think anybody who does the~~
~~story now is jumping on the carcass of a dead and putrefying~~
~~body. It's just bizarre and sick." They agreed. It was~~
~~one of those to hell with it conversations.~~

Still they didn't really want to let go of it, not yet. 
~~Once the dust was settled, the story might still have a few~~
~~to offen.~~ They concluded by agreeing that Stanley would try
to keep himself available in case the right arrangements could
still be made.

1201
1056

IX NEGOTIATIONS

1.

Next day, Gary brought it up again. "Are you ready, Vern, to take Boaz' place?" he asked.

"I don't know, Gary," said Vern, "am I supposed to feel ready?"

"I'm going," Gary said, "to turn everything over." He nodded. "I just want a few thousand dollars to pay off a couple of people, and help a few I want to help."

"I don't know yet," said Vern, "who to make a deal with. A lot of people are ringing my phone these days. Did you know Paul Anka is interested."

"The singer?" asked Gary.

"Paul Anka, that's who."

"Vern, it's your decision I'm going to abide with."

"Well, if you think I can handle it," said Vern, "I'll go ahead."

"Being a businessman in town," said Gary, "you know the way."

"This," said Vern, "is a different type of business."

"Hell," said Gary, "I've seen you operate in your own store. You can do it better than Boaz."

In the afternoon, Vern got a call from Dennis. "I just came from the prison," the lawyer said, "and did you know Gary is talking of firing me?"

"Well, why did he do that?" asked Vern. "You mean he came right out and said that?"

"Between us," asked Dennis, "do you think you can take my place?"

Vern said softly, "Well, I think I can do as well as you have."

After ~~he~~ ^{Vern} hung up, he spent a couple of hours in thought. Then he called a few friends in Provo to ask their advice about a lawyer. That evening around ten, he called one fellow they recommended at his home. He was named Bob Moody. Vern could practically hear Moody think about the proposition before he answered, "I would be happy to take the case. I'll help you all I can. Do you want to get together tonight, or tomorrow morning, or Monday?"

"Monday's good enough," said Vern.

He felt as if he were moving an immense weight from one place to another. Nothing was ever going to be the same again.

Nicole's cigarettes were becoming a problem. Because it was Intensive Care, they had a lot of oxygen tanks around, and wouldn't let her strike a match in her room. She kept complaining, "I want a cigarette. I'm going to have it." They couldn't do much with her. "You had one a few hours ago," they would tell her. "Well, I want another," she would tell them back.

Finally, they put her in a wheelchair and let Kathryne wheel her out to the utility room where, among the laundry sinks and the old dirty cloth mop soaking in the bowl, Kathryne could sit with her while she smoked. Then they would relax into something easy for a while, and once Nicole even said to her, "Maybe I'm glad I'm here. I don't know." Nicole never said it exactly, but Kathryne decided she hadn't really wanted to die, just had to prove to Gary she loved him enough to try. Nicole, she thought, would come near to saying that, then shrug. Finally, she did say right out loud, "I thought it was wrong to take my life, and if God also thought it was wrong, then I'd stay alive. But if it wasn't a sin, I would die." Kathryne felt close to her then.

Next, a jumbled-up mess began. Kathryne was trying to

get a little rest at home when Rikki called and said they needed her at the hospital right away to sign papers for a transfer on Sissy. They wanted to put her in a mental hospital. Once again, Kathryn's poor mother had to drive her over in the stinkin' Lincoln.

There were quite a few people in the Administrator's Office, and they offered Kathryn a paper to sign that would send Nicole to Utah State Hospital. Kathryn wanted to argue, but this administrator said, "It isn't going to make any difference. There are already two physicians' signatures that she's incompetent and suicidal, and Nicole has already signed it." Kathryn didn't know what to do. She didn't think Nicole was ready to come home. Come home to where? But on the other hand, she was afraid that once they put Nicole in the nuthouse, she would never get out. Kathryn was just afraid of state hospitals. Anyway, they soon brought over a paper, and Kathryn wrote her name under Nicole's. She was shaking.

The moment Nicole put her signature on the page, she knew it was an awful mistake. "Why didn't I just get up out of this motherfucker?" she asked herself. "Why don't I just stumble on out." All the way to the ambulance she kept telling herself, "The reason you didn't, girl, is because you got nothing but hospital pajamas and a blanket." They had wrapped

1060

her good and she couldn't move her arms or legs particularly. Kind of a bug all trussed up. As they drove, she couldn't see much out the window of the ambulance, but there was something about the whine of the gears as the vehicle went up the long grade that she could feel was the end of the trip. The heavy sound of the motor told her she was on the long approach road to Utah State Hospital. Oh God, the same nuthouse they had Gary in.

She was familiar enough with that. Same feeling, same place. Even the same ward. It was shaped like a U, with the boys in one wing, the girls in the other, and the social room connecting them. The halls were long and narrow, with bedrooms and cells, and bright linoleum on the floor, and goddamned asshole paintings all over the place. Made it look like a school for six year olds and eight year olds, *Thoroughly* stupid stuff like COMMUNITY IS US! all painted in pastel water colors that had gone dead and caked. There were orange couches and yellow walls and kind of plastic cafeteria chairs and tables. It depressed the hell out of her the moment she ^{found} ~~was~~ it--like she was condemned to live in a drug-store forever. Everybody looked tranquilized, all tranked-out, not heavy, more like everybody had a little piece washed out, like it would take you 150 years to die. Everything looked so goddamned cheerful and phony.

1061

[REIDENTIFY],

John Woods, had had an upset stomach the night before, coughed up some blood, felt gastritis and thought Jesus, now I'm getting an ulcer. He was feeling real sick that morning and decided to stay home from the hospital, but then a frantic call came in from the ward. They said, "Nicole Barrett's on the way here."

Wood said, "Like hell she is."

First thing at the hospital, he went over the Superintendent's office and the first thing Kiger said to him was, "I sent her to your unit. That's where I want her."

Woods said, "Nicole oughtn't to be in maximum security." ~~This is just another indication that the rest of the hospital can't carry their share. No reason there. Med shouldn't be able to take her.~~ Kiger agreed. ~~He started to interrupt Woods once, but Woods was so mad, he said, "Let me finish." Woods was mad as hell because he revered Kiger, thought Kiger was the only man who had had a new idea in treating psychopaths since they coined the word and so it got him whenever he thought Kiger was doing something for less than the noblest motive.~~

The difficulty was that Woods' unit was the only one strong enough to protect Nicole from the press. As Kiger said to him, "This is going to be sticky newswise." Time,

Newsweek and every wire service and major newspaper was going to try just about every trick to interview Nicole Barrett, and that meant heavy pressure, and politicians getting into the squeeze. Nicole was going to be a security problem, pure and simple. It irritated the hell out of Woods how much this was going to interfere with the therapy of everyone else on the ward. ~~His job had now shifted. He would be there to keep Nicole alive.~~

Instead of each patient interacting with every other patient, instead of the tensions of the group being the anvil on which all their personalities got forged into slightly more socially acceptable shape, the emphasis would be on surrounding Nicole, neutralizing her, insulating her and thus cutting off the day to day influence of Gary, so that he could not brainwash her with the idea--oh, that beautiful guru!--that their souls were scheduled to meet on the other side. Woods would have to issue orders that nobody was to mention Gilmore's name. Not ever. If he was going to keep Nicole alive, he had to interrupt that relationship. Of course, he knew enough about Nicole already to recognize that if nobody would let her think about Gary, she was nonetheless going to think about Gary all the time. Woods couldn't stop that. He just didn't want Gilmore able to influence her thinking.

Yet, all the while it killed him. It just wasn't Woods'

idea of therapy. Ideally, there was a life in the ward that changed people's natures just enough for them to be able to work in the ward, and maybe as a result, be able to get along a little better in the world outside. Now, they'd be junking half of that program in order to keep a 24 hour watch on Nicole. It was political pressure, pure and simple.

~~The ideal way to run a hospital was to take your chances on suicide. That was part of the risk in any thoroughgoing and innovative therapy. Here, however, they had to cut the risk off at the peckers. Kiger's psychiatric ideas were so unconventional anyway, that his program at the hospital might receive an irreparable blow if Nicole Barrett decided to suicide herself right under their supervision. Nonetheless, it was the pits that even a general like him had to toe the mark.~~

Nicole wanted to go to sleep like she never had before, but immediately a boss-looking chick, probably a patient, but domineering and awful sure of herself in a rotten limited way, was starting to tell her how to do things. "Unpack your gear here." Then, "No lying on beds in the daytime." "Take a shower!" "Take your jewelry off!" They started to pull off her jewelry and she began to fight. That was when Nicole realized that everything she did from here on out was going to be a fight, and everything she did in here was going to

lose. It came down on her like a disease. Everytime they told her something, she would feel like fighting, but it would be a losing battle all the way. She could feel herself slowing down with fatigue and the weight of the overdose of ^Sreconal still in her, and the bodies all around her, all these patients--"I'm going to be suffocated by these fucking sheep," she said to herself. Yes, this was the place Gary had described. Everybody ratted on everybody.

She tried to go to sleep, and they wouldn't let her. She lay on the floor and they woke her and she went right back to the floor and went to sleep again. ~~At Norton Willy's wife was shaking her. Maurice had been the wife of Norton Willy who was right next door to her grandmother. Nicole couldn't believe it that Norton had married such a horrible bitch, a huge ass bitch who was helping to run this place.~~ They kept trying to get her up and wouldn't let her sleep on the couches, but she couldn't walk or anything. She felt three times as weak as in the other hospital. All she was interested in was being alone, and thinking about Gary.

3.

Schiller went ^{out} to the airport. His girlfriend, Stephanie, was coming in. Since she had once been his secretary, he knew

she would not be surprised when he greeted her with the announcement that they were immediately going on a drive down to Pleasant Grove near Orem, a good 40 miles from the airport, to visit with Kathryn Baker.

Schiller expected there'd be press outside any house where Nicole's mother might live, but, in fact, the place was hard to find. ~~The logic of naming the streets by compass direction gave out.~~ In Pleasant Grove. ~~new~~ houses were found on old country roads, paved cow pastures and dry river beds so that ^{400 North was likely to twist} across 900 North, and 100 East intersected with 60 West. It was not, therefore, the kind of spot that a reporter, fighting with a five o'clock deadline, was going to lose a half a day looking for.

Schiller, however, had the time, and he had a long talk with ~~Mrs. Baker. He thought it was a sloppy house with old tires out in the front yard and metal ^k junk rusting in the grass--you couldn't tell if the metal came from old jalopies or old washing machines. There were bits of jam on the table and dust and dirt and grease formed a pomade on many a surface in the kitchen, plus an astonishing number of kids--he saw Ricky and Susan Baker's kids go through plus some neighbor's and got them mixed up with Kathryn Baker's~~ stet

1066

~~youngest child, Angel, who might have been six or seven and~~
~~was astonishingly beautiful, looked like Brooke Shields, but~~
~~then Schiller could count on his ability to sell a proposi-~~
~~tion in a palace or a posthall.~~ He went right into the
finances with ^{her} ~~Kathryne Baker~~

She was certainly concerned. At the moment, she had, so far as he could see, a deal with National Enquirer that was supposed to pay her daughter \$2,000, but Kathryne didn't know the rights of it, especially if Nicole was going to sell her life story to Mr. Schiller, as he proposed. Larry went right in. "Mrs. Baker," he said, "whether I do anything with you or not, I'm going to give you a little advice. I've been down this road before and I would send the following telegram to the National Enquirer." He laid it out, told her not to back out of the agreement but get what was supposed to be established. "Did your daughter sell world rights to Jeff Newman?" he asked, and when Kathryne said she thought the answer was no, that it was just the United States, he said, "All right, send the Enquirer a telegram telling them they have just limited one-time rights to the United States," and he had ^{ph} Stefanie sit down and help him write the telegram. Then he said, "It's up to you to decide whether you want to send it or not. I'm not telling you to do it, I'm just writing it for you. I will also say your daughter was

not taken advantage of. She had an exchange with the National Enquirer, promised to deliver a story for a certain price. I'm not saying it's a fair price. I think it's pretty cheap. I think her story was worth \$25,000 to the National Enquirer, not \$2,000, but she sold an interview."

That was the introduction. From there, he went on to lay down a rap like the one he gave to Vern. "Whether I get the rights to your daughter's life or not, this, I think, is what you should do." And he set out to give her confidence in his understanding of the situation and his analysis of the problems facing her. He told her she should change her phone and get the kids away with a relative for a few days. That way, the press wouldn't be on them all the time. He said, "You want to avoid having the children feel this is an indelible experience of horror." All the while, he could sense that what was impressing her most is that he did not sit there with a pencil and paper interviewing her, asking questions and writing her answers down, but instead was saying: Mrs. Baker, go get a lawyer. Kathryne said, "I don't have one." "Who do you work for?" asked Schiller. When she told him it was Ideal Furniture, Schiller said, "Call your boss and ask who his lawyer is." He could see that surprised her agreeably. He said he wanted her to obtain a representative to take care of her rights. He knew she was not used to

~~124~~

1068

hearing talk like that.

Schiller had learned from the deal he had made for the book called "Sunshine," with a young woman dying of leukemia, that if you wanted to get into big deals with movies and books, play with producers and publishers, you had to lay the right foundation, which is to say draw up the right contracts from day one. Otherwise, you could end in a tree, swinging from limb to limb. With "Sunshine," he had failed to get a separate contract from the dying woman's husband. Therefore Universal had to spend ~~100,000~~ money later to buy the rights from the man. That had been an item to haunt Schiller. So, he laid it out now for Mrs. Baker. "Get yourself a lawyer," he told her. "Get it before we even talk money."

On the drive away from the house, he had his first big fight with Stephanie. Her father, ^{Bud,} was in the garment business. Way Schiller saw it, Stephanie's father had always been as deep in business as a sheep is thick in wool, but Stephanie was her dad's delight, Stephanie was his beautiful daughter, and he had done his best to protect her. Stephanie Wolf was one princess who hated to see business operating. She might have worked for Larry as a secretary, and she might have been

BW 1069

finally the girl for whom Schiller was ready to break up a marriage that had gone on for sixteen years, but Stephanie was telling him now that he'd acted like a manipulator with Kathryn Baker and she wanted nothing to do with it. Finally, Stephanie said, "How dare you take advantage of that woman by talking business in the middle of all her grief. Her daughter was just committed yesterday." Larry tried to lay it out for her. "You don't mind," he said, "going to ABC's cocktail parties, but ABC couldn't care less whether they're going to have Larry Schiller at their party next week. I'm only as good as what I can do for ABC. Damn it," he said, "if you're interested in me, you've got to accept me as who I am. You've got to love the part you love, and if there's a part you don't like, you've still got to learn to deal with it. I am not living in a way where you can bawl the shit out of me because of what I say in a living room the very minute I walk out of that room." They really had a big fight.

Schiller could see their readiness to marry one another was going to be put to every strain during this Gilmore business. A part of his brain was beginning to work already on the possibility of sending Stephanie to Europe to take care of some foreign rights. If she stayed around, he could lose the Gilmore story. The aggravations between him and her

1070

over this one meeting had been close to apoplectic.

That night, unable to sleep, he got up at two in the morning and dictated a contract for the Gilmore rights to a legal service in Salt Lake City. His words were recorded on a tape, and early in the morning some girl would type it up. He didn't like the idea of having to depend on someone he didn't know hearing the terms of the contract. There was so much attention to Gilmore in Salt Lake right now that the girl who typed it might easily leak the story to a newspaper. In fact, Schiller was nervous in general about these legal services. If he was working for a paper, he could certainly try to have a pipe line into such places. Then, if an interesting contract came down the wire, you were situated to get a story out of it.

On the other hand, he had to have something ready to show Vern and Mrs. Baker's separate lawyers. ~~Since he couldn't sleep,~~ he dictated a ranch contract, pretending he was a buyer of sheep and cattle from California. In essence, however, it was the first draft of the Gilmore contract. So many lambs and so many cows were to be sold in return for conveying full rights to said stock. The humor of it appealed to him at

1071

two in the morning. The place was even called PIP Printing.

Tomorrow, he would pick up the typing and be able to submit the contracts. He would just have to change the name of a couple of sheep and cows into specific people. There were a lot of good businessmen in the world and a lot of good journalists in the act, thought Schiller, but maybe he was one of the few who could do both.

4.

[Over the weekend Barry Farrell interviewed Larry Schiller in Los Angeles. They had worked together on Life years ago, but Farrell had not been feeling friendly to Schiller lately. A year or two before, Larry had been getting a book of photographs together on Muhammed Ali, and called Barry to say that he was the man to do the text. Farrell had gotten into conversations with his publisher about it. Then Schiller signed Wilfred Sheed. Farrell felt he had never been taken seriously as the guy who would write the book, merely another name to feed into the hopper, and he was pissed off over that.

Farrell kept a journal and looked through it now and again. Every December, he had a habit of looking to clean the slates. ~~and in December, 1974,~~ he wrote Schiller a letter saying in effect, "I'm

stat

↓

Chk

1824

1072

~~shot and killed two innocent guys and even wanted to be executed for it. Who are we ever going to punish?~~

Schiller's rap, at least, was solid. It was solid. Build with foundations. Get those contracts up like walls. Let everybody know where they stand. Schiller was born to be the mother of a huge family who could explain to each of the children why their slice of the pie was precisely the size they found it.

Farrell found himself being kind to Schiller in the piece he wrote for New West.

~~Getting a little nearer to obtaining the rights~~ Schiller could also feel the press coming nearer. His name was on the radio a couple of times, and the nature of his phone calls was changing. He decided he needed to lay a little groundwork with the media, ~~and so on the weekend Farrell interviewed him~~ he ~~also~~ got in contact with Ed Guthman of the Los Angeles Times whom he had worked with. Into the phone, he said, "Ed, I need an outlet to take the heat off. I'll give you 2000 words for your front page and an exclusive interview with Gilmore sometime before the present execution date, if you will now give me one of your top criminal reporters as a sounding board." Guthman had a good man, a Mormon in fact, named Bill Johnson who was available for a day, and Schiller and John-

son battled problems back and forth. If, for instance, you could get only one interview with Gilmore, what were the questions to ask? Johnson would give his ideas, then Schiller. They would criticize each other's approach, or feed positively off each other. What was important to the world, they would try to decide. What was interesting to themselves?

In addition, Schiller needed a story in the next week or so about himself. Not a large story, but a quiet one, calculated to come out on a Monday, since that paper was often the dead one. He wanted to reduce the importance of his presence on the scene, so there would not be a sudden focus of attention on everybody commenting on the carrion bird. Instead, Johnson would write a piece about the press that had come into Salt Lake from all over the world, and Schiller would not be mentioned until the fourth or fifth paragraph. That would give the media a first impression that he was not that big an item.

Since being put in such a modest perspective would not benefit his standing with Vern Damico, Kathryne Baker, Gary Gilmore or the new lawyers, Schiller took pains in the following week to tell them that the story would soon be coming out, and he had wanted it the way it would be. He gave a quick lecture on the virtue of a low profile for the present

1074

and went on to tell each of them that there would be times when he was handling the press when he might make mistakes, but, he said, "I have seen the heat come down, and I will try to keep the heat off you lawyers and relatives. I will do my best to protect your credibility. We will set it up like a team operation, but I will take the shots." Over and over he would say, "There may be things I do that will make you unhappy, and we may have our disagreements, but I am still friends with all the people I have worked with. Look," he would say, "pick up the phone and call Shelly Dunn in Denver, Colorado. He was the lawyer on "Sunshine." Here is Shelly Dunn's number. Call him and he will tell you how he and I are still friends now. He'll tell you, we have been in good and bad together, but, generally, in the end result, I was right about the press, not right about everything, but often right." Then Schiller would give them Paul Caruso's number, say he was the lawyer on the Susan Atkins case. "We had a lot of trouble with that," Schiller said, "many disagreements, but feel free to call him."

In fact, Schiller did not have a clear or certain idea what these lawyers might say about him, but, then, it had been his experience that very few people actually made

1075

such phone calls.

5.

When Vern met the lawyer, Bob Moody, on Monday morning, he thought he was a quiet, self-confident, very intelligent man. Moody was well-built, and half-bald, and even his eye-glasses looked competent. His way of talking was very pronounced. He was carefully spoken. Vern noticed that when Bob Moody said something, he knew what he was saying, and didn't have to repeat it. He assumed you understood what he said. He could even come back on you and say, "Well, I already told you that." Vern saw him as in the category of the upper class of people. Would belong to the country club and have an expensive home in the foothills of Provo. "Mortgage Heights," Vern called it.

To Moody, Vern Damico seemed a concerned relative, sincerely looking for good advice and the best deal he could shape up. He kept saying that he wanted Gary's wishes to be carried out. He wanted some kind of dignity retained for him if possible.

Moody talked to him about the difficulty of trying to represent Gary's criminal interests on the one hand, and his

1076

literary estate on the other. Bob Moody said he didn't think it would work to negotiate contracts for books or films or plays, while also advising Gary on his legal situation. There were too many natural conflicts. Suppose Gary wished to change his mind at some point and appeal, why then the rights for his life story would be considerably less. There was a potential conflict of interest right there. You just didn't want a situation where a lawyer might have to ask himself whether he could be working assiduously for his client's death, because deep down he knew it was more profitable that way. Vern nodded. They agreed a second lawyer was necessary.

Bob now mentioned a fellow named Ron Stanger. He was a local lawyer, Bob told Vern, with whom he had worked many times in the past. Worked with him and against him. He felt he could recommend Ron.

In fact, Moody had already called Stanger over the weekend and told him there was a good possibility he would be called in on this case. "How," Bob Moody had kidded Ron Stanger, "would you like to take over from Dennis Boaz. They had both agreed it would be fascinating. Lots of public appeal and great legal questions. In fact, a fellow like Gilmore, capable of putting the State of Utah through as many hoops as he had, ought to be an interesting person to

1077

meet. That was about the level at which they were joking.

Of course, each of them also wondered aloud whether this was going to be another crusade where you don't get paid and your family suffers. Moody had said goodbye to Stanger with the mutual understanding that they would yet have to take a lot of things into consideration, and one of them was that they didn't really believe in capital punishment. Of course, they weren't assuming things would go that far. They saw it more as a matter of representing Gilmore. In fact, as they talked, they decided Gilmore was probably bluffing.

~~Just about a week ago, Moody and Stanger had happened to be leaving court together, and saw Snyder and Esplin out on the courthouse lawn being interviewed by local TV. When they drove past in their car, they honked and they catcalled. It was really funny, seeing Craig Snyder and Mike Esplin under TV lights. Shortly thereafter, they saw Craig in the coffee shop of the courthouse and ribbed him how it felt to carry out an appeal that his client didn't want. "You really do good legal work, Snyder," they told him with a grin. Snyder grinned back.~~

~~The way they saw it at the time, they kind of admired Gary for standing up to the system, but they thought it was~~

a beautiful poker bluff, no more. When it got down to the last push against the last shove, he'd appeal.

Even after the suicide attempt it was hard for Moody and Stanger to take the case with complete seriousness. By then, courthouse talk was going along the lines of, "Snyder, your work is going to go to blazes. Your man has decided to carry out the sentence himself." But, then, lawyers had to be like surgeons, joking while they washed their hands. On the phone that Saturday night, therefore, when Moody told Stanger what might soon be coming his way, Stanger replied, "All we need is to be on TV and have Craig Snyder drive by."

Now, during a break in the meeting with Vern, Bob Moody picked up the phone and said, "Ron, come over and meet Vern and see what he thinks of you." It was his way of telling Stanger he had the job.

In his turn, Vern was struck with the differences between the two lawyers. Ron was a real peppy fellow. In fact, his physical appearance threw Vern a little bit. Stanger looked like a fresh kid out of law school, eager to go. Vern wondered, "Can a man this young do what Gary wants him to do?" He decided he'd hire him because of Bob Moody's recommendation, but he couldn't keep from saying to Stanger, "I guess you're kind

1079

of young."

"Not really," said Stanger, pointing to Moody, "this bald-headed guy and I are practically the same age." Vern didn't know if he liked him or not. Moody was all tact and understanding. Stanger's eyes were gleaming, like his hooves were flashing in the air. He had a look like, "Let's get it on." Maybe that was good for a lawyer. Vern was having to make a lot of decisions about people before he knew if he could trust them. That was not what he would call comfortable.

~~Exploring one's own feelings could be an expensive proposition if you were swallowing up sizeable amounts of unpaid office time to do it, but, from the outset, this job gave Bob Moody a good deal to think about. Bob had never found anything incompatible about being a criminal lawyer and a high member of the Mormon Church, so the case did give him an agreeable tingle. Most of Moody's practice was domestic relations, personal injury work, finance companies, car dealers, stuff where he could deal with people. He liked to get out of the office. It was better to go on an investigative tour, than get locked up in Probate and endless bookkeeping, so he usually enjoyed a criminal case when it came his way. He could see however that this Gilmore job was going to stretch a lot of feelings. A lot of people were going to be~~

Ross

1080

and therefore no opportunity for rebuttal where Bob could have remarked that a ten dollar bill has no less than ten thousand fingerprints on it. Bob had been plenty upset. Part of the game was to win the case, you loved to win, but Ron's tactics had gone further than just a friendly jab or two.

Still, while waiting for the jury to decide, feeling emotionally uptight with each other as certainly they were, they nonetheless went downstairs and had lunch together. The jury, happening to pass by the coffee^hshop, saw them eating and laughing, and actually sent a couple of representatives to the judge to say that the lawyers were not sincere. So Bob could see it. That episode wouldn't be hardly a whiff to the fumes which would arise in this case.

Vern took a couple of letterheads from Moody's office and from Stanger's, and brought them down to Gary next day. "These lawyers are local people," he told Gary. "My truthful opinion is I don't think you can go wrong. They'll fight for your rights."

Gary asked, "Do they believe in capital punishment?"

At this point, Vern didn't know exactly--it occurred to him he hadn't even asked Moody--but he said, "They'll defend your rights regardless of how they feel."

Moody and Stanger came over to the prison the next day.

later. Gary wanted to look them over, and they liked a little assurance that he still didn't have other counsel. So, they met on opposite sides of the glass and spoke by telephone. It was a cold meeting. "Do you want us to represent you?" Gary said, "Let me talk to my uncle."

A long conversation went on between Gilmore and Vern. Moody heard words like, "I feel confident," coming from Vern, but Gilmore seemed a little squirrely. He certainly wasn't talking freely to them. He was on that hunger strike they had read about in the newspapers, and he looked gaunt and his color was poor. He kept talking about the headache he had. He certainly didn't look brutal under these circumstances.

When Gary brought up capital punishment, Moody got ready to tell him that he didn't believe in it, and was debating whether this was a wise move. While he was mulling it over, Ron said through the other phone that he personally was opposed to it.

Gary said, "Will you carry out my directions, however?"

"Yes," said Ron, "I'll represent you."

It was as simple as that. Bob explained to Gary that lawyers were accustomed to working against the grain of their own beliefs. ~~He did not mention being a Mormon and technically unable to smoke, drink or even have coffee or tea.~~
~~There weren't very many people you could defend, if you car-~~

1082

~~used your beliefs into everything~~

It was still not easy to get going with Gilmore. When they would ask him if he wanted them to take a given action, Gilmore would reply, "I won't know until I see it in writing."

"Should we give Vern the power of attorney to act for you?" Moody asked.

"I'll talk with Vern about that," Gilmore replied.

He was suspicious of mankind in general, and lawyers in particular. "Nothing personal against you guys," Gilmore said, "I just don't like lawyers."

Still Moody could feel that Gilmore wanted an advocate Vern would feel comfortable with. Moody couldn't help feeling that he qualified in that regard. He also felt relieved when Gilmore finally said something decent about Boaz.

"Have you fired him yet? Is his relationship with you officially severed?" Moody asked Gilmore again.

Gary replied, "At the time Dennis came to me, he was the only man that really wanted to help, so I owe him something, but it's over. This afternoon, I'm going to fire him." ~~And after that, they talked about the best way for Moody and~~
~~Stranger to represent Vern and Gary, and the legal instruments~~
~~that would have to be shaped up. And on the way out, thinking~~
~~of Gary and his unhealthy condition, he looked so gray and~~

1083

used up, so consumed — Moody had a recollection for an instant of his girl, Nicole, waiting for him in the corridors of the courthouse as he was being led, shackled, down the hall from his trial. She had put her arms around him and gave him a passionate embrace there in front of everyone, a shocker in all the marble chill; now, here was Gilmore, looking so weak.

Outside the weather was cold and snow was in the air, a lot of new powder, and Moody was thinking that by next weekend he might be skiing in new powder, and the top flight skiers ribbing him, "Hey, Moody, you come down pretty good for a roly-poly middle-aged guy."

6.

The moment Gary was on his side of the glass, Dennis started talking. He said, "I spoke to Vern, and he indicated you want to fire me."

"Uh, right," said Gilmore

"I think that's a good idea," Dennis said.

It blew Gary out of the saddle. Right through the glass window, Dennis could see him shifting his feet like he had been set to go in one direction, and now he was looking for new footing.

1084

"I didn't appreciate you talking on TV about me asking you for Seconal," said Gary. "I also didn't appreciate you calling the warden ignorant. You've made things more difficult for me."

"Well, I will probably serve you better now," said Dennis. "Now I can say a few things that may save your life."

He told Gary for the first time about his plan to find a prison where Gary could have connubial rights with Nicole. Gary looked wounded.

"Why didn't you tell me before," he asked.

"I couldn't," said Dennis. "You didn't trust me."

Gilmore said, "It doesn't matter. It's too late anyway."

Dennis thought to himself, it is too late. He tried to kill her, and Nicole knows that now, and she will never have the same kind of interest in him again. He is lost. He has really lost everything. It felt like a perfect short story to Dennis, maybe even a short novel. "They wouldn't give Nicole the yellow rose at the hospital?" asked Gilmore.

"They wouldn't allow her to see them," said Dennis.

"It's terrible, Gary, there's a complete cut-off of communication."

Gilmore just looked down and depressed.

"Dennis," said Gary, "you're entitled to something. How much do you want? Take anything from a dollar to ten thousand

1240 1239
1085

dollars, Dennis, because you deserve it."

Dennis said, "I told you. All I want is to write about it." To himself, he was thinking that he might have to call his character Harry Kilmore, not Gary Gilmore. ~~He would balance out his book with one theme on the murders and the other on his own work in the Bus Drivers' case against the transit companies. A lawyer engaged in two cases, one libel, the other searching for death. A good balance. Might make a good novel.~~

He could feel how impressed Gilmore was that he wasn't even interested in the money.

"We have a little difference of opinion, perhaps," said Gilmore. "But, I'll tell you, Dennis, I'm going to invite you to my execution."

"Dennis was pissed. Suddenly, he was getting damned mad at the way he had been let out of all this, and he was looking for something that would get to Gary. "I don't want to see your execution," he said. This would bother the man. He would want friends there. But Gilmore only nodded and they said goodbye on this note, each of them kind of muttering, "All right, see you, take care." Dennis couldn't help it. At the last, he said, "Look, if you want me there, I'll be present."

After he left the prison, however, he was just beginning to get mad all over again. He called up Barry Farrell, and said, "I want to take back what I told you about Schiller being a snake. He's a grade above. Call him an eel. My middle name is Lee, which is eel spelled backwards, so I understand eels. Schiller has ascended from snake to eel." Farrell was laughing on the other end. "You guys will probably work out some kind of deal," he said. "Who knows," said Dennis, "I'm not even thinking about that anymore. I'll tell you what really gets me."

"What, Dennis?"

"It's amazing yow your life can turn into something new so fast."

Farrell called Schiller to get his version. "I had nothing to do with it," said Larry Schiller. "I know why he was fired, but this news comes as a shock to me."

"It looks like you're going to get the story," said Barry.

"Nothing is settled," said Schiller in a gloomy voice.

"There are a lot of obstacles ahead."

"But you still have enthusiasm for the story?"

"Between us," said Schiller, "I have a big problem. Where

1087

are the sympathetic characters?"

"You have a love story," said Barry.

"I'm not so sure," Schiller told him, "I haven't met Nicole. I don't have your question 100% answered."

Farrell went out into the cold November sun. In the valley across the desert, the smoke from Geneva Steel in Orem was pouring out a storm of poison so fierce that Farrell's eyes, while long adapted to Los Angeles smog, were still smarting. He felt like one of the carrion birds. In town with all the others to see whether Gary Gilmore would die. Driving up and down the Interstate, going from one newly built town to another, heading south down a smoke filled valley, only to turn north again. Farewell, Dennis. Barry Farrell couldn't decide whether he had liked him or considered him an absolute outrage to the sort of exquisitely civilized behavior Gilmore had been demanding.

1088

X COMMITMENT

1.

Schiller decided to get out of Salt Lake and move down to the Travelodge in Provo. ~~Although he didn't know it until later, the motel was situated right across the street from the Mormon Church where Nicole had danced naked at 2 AM on a spring evening not six months before. From his room he could look out across University Avenue to the mountains, and each morning they showed more snow on the peaks, and the letter Y set out in white stone on one mountain began to be covered over. It would be a long time before Schiller would find out that X Mountain belonged to Bessie Gilmore by her way of thinking.~~

street

On his first day there, he made appointments with Mrs. Baker's attorney who was named Phil Christensen and with the fellow Moody that Vern had hired. Mr. Christensen was at three, Moody at four. He supposed Christensen would take a half hour and then he would walk over to Moody's office.

1089

They figured to be in the same area. Having scouted out the legal scene in Provo, he knew the law offices were clustered around the courthouse, and so Schiller didn't even bother to look up Moody's address. He was bound to be around the corner from Christensen. When he walked into the entrance for the first appointment, however, he had a surprise. Moody's office was closer than that. The sign read: "Christensen, Moody and Taylor." They were in the same fucking firm. Schiller loved it. He was beaming.

This office was just a floor in a small building, and it had a small-town look. It was like walking into a clean, stodgy, upright home. Even the wall panelling and the yellow-orange carpet and small dark brown leather chairs, all fit. It was halfway between a small motel lobby and a church vestibule. That was perfect. Because of the possibility of conflict of interest when you had two partners in the same firm representing separate clients in the same case, these lawyers would take pains that they didn't have to drop out. *They would*
write Since he had already proposed to Vern that Gary get \$50,000 *So Schiller couldn't have been happier*
and Kathrynne Baker that Nicole get \$25,000, it meant that he had won the gamble. There was no way these two lawyers were going to fight each other and lose the kind of fees they

1074

1090

could collect in this case.

Phil Christensen turned out to be a distinguished senior party with white hair, but before five minutes were gone, Schiller felt as if he had begun to reach Christensen with his *own* knowledge of law. ~~One of the first things he said was~~

~~"Look, I don't want the legal expenses to be deducted from the money I'm offering Nicole Barrett, so I'll ask you what would be an appropriate legal fee." Christensen told him a thousand dollars might be proper, and Schiller said, "All right, Make it \$26,000 to Nicole Barrett, but I want Mrs. Baker to pay your retainer out of that." It was Schiller's way of establishing that Christensen would be the lawyer for her, not for Schiller, and so Mrs. Baker would be free to let him go any time she wanted. That really impressed Christensen. Then, Schiller said, "Of course, it's understood that all this has to be approved by the court." He didn't want to move ahead unless Christensen got a legally appointed guardian. Schiller said he thought Nicole's mother ought to be guardian of the estate and he wanted the court appointed as guardian of the person. Christensen looked at him and said, "Guardian of the person and guardian of the estate. How'd you learn about that? " "It doesn't matter," said Schiller, "I've had experience in these areas and I don't want a conflict of interest." It was one more way to increase~~

still

giving Kathayne Baker ~~the~~
additional money to pay
Christensen's retainer

~~Christensen's respect~~

A little later when Kathayne Baker came into the meeting, Christensen even said to her, "While waiting we've begun to discuss the arrangements. We haven't settled all the financial questions, but I can tell you, that although I'm an old man, I feel very comfortable with Mr. Schiller." ~~I feel very comfortable with Mr. Schiller.~~ *Schiller had proposed pay. of \$25,000 to Nicole, plus Christensen's retainer, which Christensen said would be \$1,000. Now, Christensen said he*

~~Schiller had proposed~~
~~pay. of \$25,000 to Nicole, plus Christensen's retainer,~~
~~which Christensen said would be \$1,000. Now, Christensen said he~~

wanted \$5,000 to give April for medical bills, and Schiller agreed to pay that in several installments. Schiller also stipulated that he would want the rights to the grandmother, Mrs. Strong, for which he would pay a nominal fee of \$500. So it went, comfortable, and professional. When it was time for Schiller's appointment with Bob Moody across the hall, Christensen came into the meeting. Ron Stanger also came over, and Schiller began to lay it out. He found himself talking a good bit of his time to Stanger who was nervous, full of patter and quick enough on his feet to be the host on a television talk show. And Schiller started pulling out the contracts from his attache case and showing comparable situations. He did not feel it was necessary to tell them that he had also been on the phone with ABC telling them \$40,000 wasn't enough. It had to be up to 50. All the while, he knew the final figure was going to be a lot more, but he had calculated that for now he only needed 50, maybe \$60,000 cash. Nicole was in a mental home,

and therefore, he could probably structure her contract to pay ten now, ten when she was ready to be interviewed, and five when the film was produced. Even if he was offering \$75,000, therefore, at present he only needed working capital of sixty. Once ABC's 50 was in hand, he could always find another ten.

During the meeting, Schiller happened to hear that Paul Anka was telephoning Vern, and so Larry made his own calls and discovered William Morris, ~~who~~ ^{which represented him,} represented the singer. Then one of the executives from the agency called Schiller to say they would inform Paul Anka they could not represent him on this deal inasmuch as Schiller had announced his intentions first. That was a big decision for William Morris, and Schiller appreciated it. Paul Anka represented a lot of money to them.

That night, Stephanie and he were lying in bed at the Travelodge motel when the phone rang. The voice at the other end didn't say hello, just began singing, "I'll do it my way." After a few bars, Schiller said to Stephanie, "You won't believe this." Then he and Paul Anka began to talk.

They had never met, but Schiller had once photographed him, and Anka was polite enough to recall that Larry had

~~Save the job~~ Then Anka told him he was tremendously interested in the project. He had read the Newsweek article and ~~didn't~~ know how much Schiller was in, but Anka felt this was a story he could really relate to. He had never produced a film, but he had \$75,000 of his own money and was willing to write a check right now.

Schiller made a point of being polite to Anka. He had already called a couple of people whose opinion he respected and they thought it would be a mistake to go in with Paul Anka. You couldn't entrust a property this large to a man with no experience as a producer. Anka would hardly be content with a role on the sidelines as a financial backer. In this situation, therefore, Paul could not be considered a heavyweight. Still, Schiller told himself, Vern Damico didn't know that. One Italian getting along with another Italian. He might be very happy with the singer. So Schiller was real nice to Anka and talked around the subject.

Next day, to get things advanced a little further, Larry said to Vern, "Look, I said releases are not contingent on my signing the contract, and I promise that they aren't. Still, let's avoid future hang-ups. Here's a few. Will you go over and get Brenda to sign and her husband Johnny. I also want you to sign, and Ida. Give Brenda \$250 and Johnny \$500

and tell them I'm not going to ask for an exclusive contract where they can't speak to anyone else, just a simple release." Vern was agreeable, got in his truck, and went around picking up signatures. The total would add to another \$4,000.

Then Vern repeated that Gary would not agree to a contract until he met the man he would sign with. Schiller agreed. Right. That's the way it should be. Vern said, "But, no way are you going to be able to meet Gary."

"It looks like we got to think," said Schiller.

"That's what it looks like," said Vern.

"Look," Schiller said, "tell me about the daily routine at the prison. I've been told before that I could not get into places and I got in. Tell me every fucking thing," Larry said. "Draw me a map. Tell me what they do at the place. Do they search you? Does the time of day change things? Do they allow you to go any time of day or night. What type of guards are there at these different hours?" Schiller was thinking: Gary must have help on the inside. He hadn't been a prisoner in this place for long, but, on the other hand, he had such status. Total recognition factor among the other convicts. "Vern," said Schiller, "let Gary

1095

tell us how I should get in. He'll know when the moment comes."

2.

Susskind got a call from Moody and Stanger who told him that Mr. Boaz had been dismissed. These new lawyers seemed straight and very sound to Susskind, very small townish in a good sense. Virtuous men, Susskind decided.

The thing had been handled very badly indeed, they told him. They didn't think they could get any cooperation from Boaz so they would like to learn first-hand of Susskind's offer. Susskind wasn't about to raise his bid, but he did get into discussions about money that might be realized, and pointed out how potentially they could gross \$150,000. His offer of \$50,000 in effect, could be tripled if the film did well. Susskind felt interested again. These people were sound and serious. The question was whether momentum could be gotten together once more.

The November 29th issue of Newsweek which appeared on Tuesday morning, November 23, had Gary Gilmore on the cover. DEATH WISH was printed in large letters across his chest. Moody felt it gave a big push to the bidding. One felt the

1096

presence of powerful events.

A couple of quick conversations followed with Susskind. After a while, it began to offend Moody. Susskind wanted to know if Bob had ever heard of Louis Nizer, and he then mentioned a couple of other hotshot lawyers like Edward Bennett Williams and hell, the next thing Moody knew, a voice was on the phone.

"Mr. Moody, this is Louis Nizer. My friend, David Susskind asked me to call to let you know that he's exactly who he says he is, and I think you'll enjoy dealing with him. I know. I've dealt with him."

Bob replied, "It's nice to talk with you, Mr. Nizer, but, in fact, you hardly need sell me Mr. Susskind. We've seen his work and I'm aware he's a very talented, able person." That was about the extent of the conversation. It wasn't going to cut the mustard with Bob Moody. He didn't enjoy being treated as a hick.

~~Moody had had considerable dealings with San Francisco and Los Angeles lawyers and rarely were they patronizing. They lived near enough to Salt Lake to assume a few reasonably important things might be going on there, but, dealing with lawyers from New York or Washington D.C., you could usually~~

stck

1097

asked Moody that night. "Well, he's here," Bob said, "and explaining things, and he's showing us a few problems we hadn't considered before."

Should I make a trip out?" asked Susskind. "I don't know if you should," said Moody. "That's up to you. Schiller's here. We've met him. All I've done is talk to you on the phone."

"Well," said Susskind, "if you want me to, I'll make the trip. I'll be happy to meet you guys." All the while, Moody was thinking, Why the hell doesn't he offer to fly us to New York? That would make more of an impression on me. "Well," Moody finally said, "you decide."

also
On the other hand, Moody was finding Susskind all too firm on one point. Nobody would get any money from him until they'd sewn up the rights to Nicole, Bessie, and a number of other people. Susskind wanted them to deliver the entire package. Take on the headaches. ~~He was making them in essence, a Larry Schiller~~ Since ~~Larry~~ ^{Schiller} virtually had Nicole signed up, and Phil was handling that, Moody didn't look forward to a situation where he and his old partner might have to represent different people with highly conflicting interests.

~~Of course, the Dallas Cowboys were also offering a lot more.~~

1098

~~money by now than the football team~~

In the middle of these calls, Schiller invited Ron and Phil and Bob to a rented suite at the Hotel Utah. They had a quiet party, no drinks, but lots of whipped-cream-and-pastry Mormon-type desserts, and they met Stephanie and were most impressed with her. She was so beautiful. She was slim and had finely chiseled features and a look of being absolutely sensitive to what she felt, but the resistance of stone to what she did not care to feel. "Lord, Almighty," said Stanger afterward, "that girl's as fetching as Nefertiti." He began to kid Larry. "What's a beautiful girl like Stephanie doing in the company of a fat guy with a beard," and added, "Say, Schiller, any guy who has a girl like that can't be all bad." They had to be impressed. A real dog and pony show, thought Stanger.

At the party, Moody mentioned that Susskind's offer was contingent on the court approving Nicole's contract, plus delivering all the releases. Schiller saw his opportunity and said, "Hey, I'm the one who's willing to take the gamble. If the court never approves Nicole's contract, all right, I'll just live with Gary's. On the other hand, if for any reason

we can't get Gary's, I'll live with Nicole's. Susskind won't do that."

Then Universal Pictures appeared on the scene. The same attorneys who were representing Melvin Dumar in the Howard Hughes will contestation, came down to Provo and chatted in Bob's office for a couple of hours. They even had a tax attorney along, who had been in law school with Bob. He offered his considerable expertise in working out powerfully advantageous contracts for Gilmore and Vern. Moody was tempted. Along with everything else, these fellows were good Mormons. It looked good. But at the end of the day, they said, "We're embarrassed to tell you this, but the contract is only effective if the execution is carried out." That was hardly a viable proposal.

When Moody and Stanger told Gary, he just laughed from his side of the window, and said through the phone, "You guys don't think that's a good contract, huh?" Then he snorted, "Goddamit," he said, "the execution is going to take place." Moody replied, "Well, Gary, maybe that's beyond your control." At this point, Gary got mad at the system and blew up and started saying, "Those sons of bitches, those sons of bitches."

Larry Schiller was on the phone telling Stanley Greenberg

1100

he had tied up Damico, and Nicole's mother, and he could get Boaz to work with him if Stanley wanted it that way. He had the package together. Only element missing was the writer Schiller wanted. Stanley Greenberg.

Then David Susskind called Stanley, and said, Schiller certainly doesn't have it tied up. However, Dennis, according to Susskind, had left a mess. There were new Mormon lawyers in his place. Stanley got this picture of 14 fire engines racing around Salt Lake and Provo under the visage of stern-faced Mormons. It looked like everybody was trying to make a buck off poor Gary Gilmore. Very distasteful. Stanley wasn't about to get into a competition for picking the bones. He wanted to do something about the effect of capital punishment on the public at large, rather than take part in a scenario on ambulance chasing. ~~Neither the principals close to Gilmore didn't see that there could be no more thorough, artistic or compassionate study of the situation than David Susskind and himself could bring, or their motives were considerably more~~

Poss
still

When Schiller called back, Stanley said no. It was nothing against Mr. Schiller personally, but no, he had reached the point in a life's career where he wouldn't take a job with a producer he didn't know. He wouldn't. Stanley thought it

1101

was just too damned dangerous.

3.

By Wednesday, Larry was preparing to go back with Stephanie for the Thanksgiving weekend. He hadn't seen his kids for a while and was going to take them to La Costa ~~San~~ ^{NPARE} Diego. Thanksgiving might give a respite from a considerable load of problems. Since his marriage of 16 years was over, this would be the first Thanksgiving he had spent with his children that Judy was not there, the first such Thanksgiving in the kids' lives. While Stephanie got along great with Larry's mother, and the kids were now in the process, he felt, of getting to like Stephanie and even adore her--taking into account their loyalty to their mother--still this would be a Thanksgiving with ghosts. To chase the ghosts were nothing but his goddamned problems.

The first was that it certainly looked like he was going to come up short on the money. If he had to go back to ABC for more, they were bound to ask for a piece of the book rights. That was one thing he did not want to give up. He would figure out a way. When the time came, he could probably sell ~~the~~ ^{Gary's} letters to Nicole, for the samples he had seen in Tamara Smith's story looked good, but for that he would need a cover.

So, he called Scott Meredith in New York to talk to him about being the agent for such a transaction. He certainly couldn't be caught out front trying to sell those letters.

To his horror, Meredith said to him on the phone, "Larry, are you sure you're going to get the rights? Susskind was just in here today telling me that he had them."

"No deal has been signed yet," said Schiller, "not by me, not by Susskind. Scott, I'm going to tell you something. You have to decide whether you're going to believe Susskind or me.. I am telling you nobody has signed." "Well," Meredith said, "whose money are you using?" "I'm representing ABC," said Schiller, "but I own the magazine rights and the book rights." Meredith sounded unhappy. "Susskind was just in here telling me he represents ABC."

"What?" Schiller said.

"Yes," Meredith said, "he assures me he represents ABC."

Schiller picked up the phone and called Lou Rudolph in L.A. "What are you doing," he asked, "playing Susskind and I against the middle? It's not fair. You're giving him a hundred and fifty grand to buy it, and me only seventy-five." "Larry," said Rudolph, "I swear to you he's not working for ABC." There was a pause and Rudolph said, "Hold it. I'll call New York." The word came back very fast. Susskind did

in fact, have a deal with the New York office. Oh boy. The New York office never told the L.A. office. The L.A. office never told the New York office.

Schiller was not feeling good about it at all. Susskind had just done Eleanor and Franklin. Nobody could be looking prettier at ABC at that moment.

He said to Lou Rudolph, "When did Susskind make the deal? What's the date? I want the date. Whoever made the deal with you first is the one who's got ABC's backing."

Soon enough they had to tell him about the dates. Susskind had not made contact with any studio guns until the 9th of November, the day after the Gilmore story first appeared on the front pages of the New York Times. Schiller had put his first contact into the studio on the 4th.

"Since I applied first," said Schiller, "I want the backing." The studio refused to give it. There were phone calls between New York, Los Angeles and Provo. Finally, a decision came down. ABC would withdraw its backing equally. Neither Susskind nor Schiller could now say it was an ABC project. On the other hand, whichever one of them brought the Gilmore contracts in first, would still get the money. Schiller was close to having apoplexy. ABC was doing nothing but protect itself. They simply didn't want to let it get out

in the press that they were such consummate fuck-ups.

Now Susskind was calling him again. Schiller stood in the phone booth of Walgreen's drugstore on the main inter-section of Provo and listened to Susskind offering a partnership.

"What are we fighting each other for? Why are we getting this price up?" Susskind said. "Let's become partners. You're in the field. I'm out here in New York." Schiller listened to the words as if they were in lights. "I'm going," he said, "to be opening a production company in LA. Let's use this project to see how our relationship goes. Afterwards you'll make films for us. Maybe we'll be partners together." "I would love to make films with you," said Schiller, "but I think that's a separate issue, David. I think you should discuss this with William Morris."

Schiller was so tempted he could feel his nostrils tingling. It was like the expectation of sex when you were young and just a little frightened at the enormity of the offer. But it would mean that Susskind would do the TV show. Schiller would land the project but it would never be his. Schiller stalled.

After he hung up, it all came clear to him. If Susskind

1105

wanted to join forces, it meant that Susskind could not get the rights without him. That meant it was his. He could have it if he was ready to take on the worries. He thought he was. He wanted the rights to Gary Gilmore like he had never wanted anything in the economic and creative sphere before. Didn't know why. Just knew.

That meant he would be worrying about money every minute now.

So he went to La Costa in San Diego with his worries, with these square-edged economic concerns banging around like bricks in his head and wasn't there a day before, on Friday, the 26th, in the evening, he got a phone call from Moody who said, "We think we can get you in to see Gary tomorrow afternoon. If there's ever going to be a chance, now's the time."

Geebs, you wouldn't believe the volume of mail I'm getting. 30 to 40 letters a day. A lot of young chicks, fifteen, sixteen, but of course I always was a handsome little devil. And you wouldn't believe how many Christians and religious fanatics there are in this world. I received so many bibles I could open a church--need a bible? One man wrote and said, if he could trade places with me he'd do it. I think I'll write him back and say, "Brother, they will be there to pick you up

1106

bright and early Monday morning." I'll bet they'd have a hard time finding his ass."

Hey, I'm allowed to invite five witnesses to my execution, Would like to invite you so I can tell you goodbye in person. Let me know . . .

Gibbs thought: That has got to be a first. I have been invited to Weddings, Birthdays, and Graduations, but I never heard of being invited to an execution.

In his return letter, he wrote: "If you want me there, I'll be there."

4.

Before Schiller came back to Utah on that Saturday of Thanksgiving weekend, Moody and Stanger had been down at the prison preparing the way with some of the officers and guards. They explained that they were dealing in a few technical matters that were out of their own ballfield. Tax planning had to be done on what were going to be Gary's considerable earnings from his life story. Moreover, this planning needed to be incorporated into a will, and the contract would have to take all these complicated factors into account. So they were bringing in a man from California to discuss it with Gary.

1107

"He's going in as your consultant?" Moody and Stanger were asked. "Yes," they said, "our consultant. It's okay." They were telling the truth, but they were sure couching it carefully.

Schiller flew to Salt Lake directly from the Orange County Airport and drove out to the prison in the early afternoon. He was full of adrenalin. He had visited other murderers in prison, so the word did not arouse any great anxiety in him, but, nonetheless, he was scared of blowing it, not terrified, but certainly not wanting to come up inadequate. The thought of coming up inadequate always inspired fear in Schiller.

When he got to the prison, Moody and Stanger were not waiting outside as he had expected. They were already with Gary. So when the guard asked who he was, Schiller had to come up with his side of the same story. Then the guard went into another room, picked up a phone and was on it for more than ten minutes before he came out to let Larry in. Schiller had heard that the lawyers were no longer visiting Gilmore in the infirmary, but to his astonishment, he soon discovered that Gary was practically at the gate. Schiller did no more than pass through two sets of sliding barred doors not ten feet apart, and there on the other side, not 20 feet down the hallway, in a locked room on the right, was the prisoner

looking out the small window. Across the hall on the other side, in a room with an open door, was Vern and Moody and Stanger. They were all grinning at him. On his end, behind the window, Gilmore was grinning, too. They had brought it off.

Vern introduced them, and Larry sat down in the chair Vern had been using, and let the door stay open. No one had told him the door had to be closed. Schiller wasn't about to break the rules, but nothing wrong with stretching them. So, he sat in the doorway looking across the ten foot width of the hall to the room where Gary stood behind a door with a small window in it, and Schiller sat with his overcoat on and talked to Gilmore on the telephone. Their eyes soon met and locked, and Schiller recognized immediately that this man loved to stare into your eyes. You had to give all your concentration to him. You had to talk as if he were the only force that existed in all the world.

Schiller didn't mind eye staring contests. He avoided them where he could, but if he had to get into one, he always felt a subtle advantage because he had vision only in one eye. The other person would stare into a flatness of expression in one eye and be receiving little signals from the other.

He locked in. Across the width of the hall, through the

windowpane, he entered the staring match.

Gilmore had positioned himself behind the small window in such a way that he could always keep his face in the same relation to the other person. If, for instance, Schiller leaned a bit to the left, Gilmore, in his turn, also leaned on his side to the left, thereby keeping the windowframe in the same relation to both of them. It was as if he were looking through a pair of sights. Being further away from the glass, Schiller began to have the feeling that he was in the prison looking out, while Gilmore was outside and free and peering in.

Anyway, Schiller started his rap. He said, in a formal tone, "You obviously know the reason I'm here," indicating by a slight shift of his eye that for all they both knew, the phones were tapped. So, he would speak in shorthand. "Bob and Vern have no doubt told you I am here to consult," said Shiller with a little smile, getting all the benefit out of the word 'consult'. "We're both here to broach matters concerning your estate and assets and things like that, you know," and now they each gave a little smile. About that time, a guard came and sat on a bench in the hallway not far away and Gary said, "No need to worry about him," just as the guard picked up a magazine and started reading. "He," said Gilmore, "is one of the two guys who are with me all the time whether

I'm in my cell or outside. They watch me. Still, they're pretty good guys." He said it like the leader of a team who knew the other players were not without pride to be associated with him. Schiller was surprised to see how well he looked. ~~It was more than a week since he had begun his fast.~~ *6000 gone on a - the hunger strike.* But he didn't look depressed, rather he appeared younger than Schiller expected, and energetic. ~~Since he was wearing a white outfit and the door through whose window he looked out was painted white, his face stood forth behind the glass, a pleasant every-day face. Schiller thought he looked like the kind of young man who might be doing janitorial work around a school or college.~~ *start*

Out of what he had been hearing from Vern and Moody and Stanger and Boaz, Larry had expected a man who was replete with intelligence and wit. Instead, here was this fellow who if dressed in a business suit would have looked like an encyclopedia salesman. There was something not exactly crude, but sandpapery about him, just a bit cornball. He wouldn't be comfortable eating in a restaurant with a tablecloth.

Schiller began to pursue his own life story, told Gilmore who he was, expatiated on Sunshine and Lenny Bruce and Marilyn Monroe, didn't dwell on Jack Ruby and Susan Atkins, didn't mention Madame Nhu. He figured Gilmore might not have

(111)

heard of her. Schiller figured he had 15 or 20 minutes to get the message across and probably there wouldn't be any more, so he talked in a fast, hard rap, selling his qualifications, never taking his eyes off Gilmore, and not a question was asked that first fifteen minutes, until finally Schiller had to say, "If you want to interrupt me, please do," and Gilmore said, "No, no, I'm listening." Then Schiller branched off into the speech he had given to Kathryne Baker and Vern, except he employed what he thought might be an appropriate prison vernacular. He didn't change the style too much, but used the word "shit" a lot, and "fuckup" and "con me", and occasionally, he would say, "I had a line run on me." All the while, he watched Gilmore to make sure he wasn't misusing a word, and all the while he was wondering, Where's this guy with the high I.Q., so intelligent and an artist? Schiller, now a half an hour into the conversation, had gone completely through the first fifteen prepared minutes and was moving on improvisation when Gilmore finally took his first real cut at the ball and said, "Who's going to play me in the movie?"

Half an hour in, "Who's going to play me in the movie?" To Schiller, it meant: Your wits against mine. "You see," Gary drawled at him, "there's an actor I like. I can't remember his name, but he was in this movie called 'Bring Me the Head of Alfredo Garcia' and then he did another flick with

Sam Peckinpah." "I think," said Schiller, "It's Warren Oates you're talking about."

"Well," said Gilmore, "I really like that guy. I want him to play me." He nodded, still looking right at Schiller and said, "I want, as part of our agreement, that this actor play me in the movie."

Schiller took a little time to reconnoiter. "Gary," he said, "I don't know you. You've been listening to me, but I haven't heard much about you. I don't know yet if there's a story here, let alone a movie. To get to the screenplay before we talk about anything else is premature."

"I think," said Gilmore, "that I would like Warren Oates to play me, and I would want that as part of the agreement."

"I could," said Schiller, talking into the phone and looking across the short width of the hall, "never make that a part of the agreement. I can't tie the property up, I can't get us involved in a condition that could put us in a straight jacket. Warren Oates might not be available. I might not want Warren Oates. There might be more suitable actors around. Or we might have to make an arrangement where a given block of money could only be obtained if we were to take another actor. You are getting into my part of the business now. I have to say 'no' to the idea that Warren Oates is a condition of our agreement!"

Gilmore looked at him with a smile. "Larry, I hate Warren Oates," he said. "I would never want to be him."

Schiller felt relief come in like the touch of an ice-pack on his hot neck. "All right," he said, with a big grin. "Who would you really want?"

"Gary Cooper," said Gary Gilmore. "Did you know I was named after him?"

That cracked the freeze. Gilmore started talking about himself now.

"When you were a kid," asked Schiller, "what did you really want to be?"

"Oh, I wanted to be a gangster," Gilmore said, "one of the members of the mob." He started talking about how he'd been a little hood as a kid, lifting things here, breaking in there. He and a friend had been in a wild car chase. It took the cops half an hour to catch them. He was proud of it. His face lit up as he spoke. He was like a fellow telling you about attractive chicks he'd scored on, or a star remembering the best of his plays in the course of a career.

Now, they must have been about 45 minutes in and Schiller said, "I've told you about myself, and you've told me a little about yourself, and I guess we'll have a chance to talk again and make a decision as to whether I can be of service to you."

1114

Gilmore said, "Why, you have a place to go?"

"No," said Schiller, "but they're not going to let me sit here forever."

"Why not," asked Gilmore, "you can stay all night talking if you want."

"Really?"

"Oh, yeah, Vern and I talk eight hours long if we want."

Now, Schiller could feel how much Gilmore was in control of the situation. From time to time, he would turn to the guard down the hall and say, Where's my pills? or, Get me my coffee, and he'd do it in a tone that had a kind of quiet executive intensity to it, no pleading, no question that he was going to get what he wanted, just the order passed to the side. Bring me my coffee, like bring me the head of Alfredo Garcia.

When a little more time went by, however, and the coffee had still not arrived, Gilmore abruptly started screaming, "WHERE'S THE COFFEE?" Schiller had been able to see a little irritation building, but this came without much warning. When Gilmore shouted, it was ugly, a shrill and screeching sound, that showed so far as Schiller could see, his absolute insensitivity to any bad impression he might make on Vern or the lawyers. It was like being with a woman in her living room who suddenly starts shrieking at her kids. What inter-

ested Schiller most, however, is that the moment he stopped yelling, he looked back at Schiller to see his reaction, still sizing him up.

Vern had mentioned in his first meeting with Larry that Gilmore was still a kid out of the fifties. So, Schiller mentioned names like Jack Paar and Elvis Presley, and Gary came back with Fats Domino and Hank Williams, and then they brought the coffee and the pills. Some hospital attendant in a white uniform brought them in, and Gary really cussed the guy out. "You've been keeping me waiting an hour and fifteen minutes," he said. "Don't you know that when I ask for medicine, I am supposed to have it. It's a rule. You people make the rules, and then you don't fulfill them." He was so rude, in fact, that Schiller was afraid for a moment that they would take Gary back to his cell and beat the shit out of him. It was amazing how far Gilmore was willing to push it.

They'd given him his coffee in a paper cup, and he began to rave that he was not supposed to eat on paper. Supposed to have proper utensils. Then, he said to Schiller, "These guys expect me to live by the rules, serve my time by the rules, go to bed by the rules, get executed by the rules, but they break them whenever they want, they bend them all over place." Then he went on for a ten minute tirade, and suddenly,

Schiller knew who Gilmore reminded him of. It was Muhammed Ali going off on a rant, that same hard, implacable, inhuman voice that Muhammed could turn on and off. Once Schiller had been in Muhammed Ali's room in the Hilton Hotel in Manila and he had had to sit there for an hour and listen to Muhammed Ali preach, and it came back to him. Gilmore had the same tone. So Schiller said to him, "You really did kill those two guys, didn't you?" "Of course, I did," said Gilmore, looking almost a little hurt, "you know that." And then Schiller said, "You killed them," as if to say there was a difference between killing somebody in a rage, and being a cold-blooded killer who only had to throw a little switch in himself. Gilmore was in the second category. He could kill you because you gave him coffee in a paper cup.

That took a lot of warmth out of the conversation. Gilmore turned cold. In fact, he looked icy. His pale skin became very pale, and Schiller knew he had touched something. It was time to back off. Larry said, "Vern, you want to talk, anything you want to say?" And Vern got on the phone for a couple of minutes. When Schiller figured it was cool again, he returned and said, "Look, Gary, it's dinner time. Do you want me to come back afterward?" And Gilmore said, "Yeah, oh yeah. We'll sit here all night and talk." That minute with Vern had gotten him over his chill. Schiller

12-70-
1072
1117

went out to eat thinking, boy, what I'll be able to do with this guy. He's a great subject for an interview.

Once Larry had gotten into the prison, Moody and Stanger were feeling itchy for fear they were going to be professionally embarrassed, and they weren't above a little prodding to get him out, but they couldn't. Gary wouldn't permit it. Moody could see Gilmore's eyes light up, and it sure seemed like they were having a good dialogue. Since he was hearing only Schiller's end of it, Moody had no real idea what Gary was saying.

After awhile, it got to be a squirrely situation. First, it became boring, then they were also upset. There was this small, but constant, fear that they could get in trouble. Schiller had thought the conversation was going to be ten minutes, and it wound up going for close to two hours. It was as if once you got Gilmore talking, you couldn't stop him. He simply didn't want to go back to his cell. More than that, they were a little worried that Gary might be spilling his guts and giving Schiller all the story he wanted and needed without having a contract or anything. Gary had certainly lit up. ~~It was the first time Moody had ever seen him enthused about anything. He didn't seem to have any of those paranoid concerns they had observed previously when~~

Stef

1270
1118

they even had to ask their questions through Vern. Here, the guy, from what they could see, was being candid, and thoroughly enjoying it. Moody felt a little awed that Schiller had been successful so quickly. On the one hand, it confirmed his feeling that Schiller was a good choice, but on the other, the problem was they were wide open for an end run. If Schiller wanted to double-cross them, he might be getting tons of material.

After they left, and were in the restaurant, Schiller kept asking if this is the way Gary acted all the time. Everybody started telling him, "Man, he's never talked to anybody the way he talked to you." Schiller didn't know if they were saying that to stroke him, or whatever, but Vern said quietly, "I think he really likes you. I know Gary." So, Schiller's confidence was building during dinner. When they went back afterward, he started talking to Gary about everything at once. The conversation hadn't gone more than ten or fifteen minutes when there was an interruption on the phone, and a long conversation between Moody and somebody on the other end. The warden or the assistant warden was now talking to the guard. Schiller was terminated.

Gary was very upset and terribly annoyed. Kept asking, "Who said that? Who gave the order? He's on my lawyer's

1270
1119

team. He's allowed to be here." He was shouting a little bit, and Schiller said, "Don't worry about it, Gary, we'll have plenty of time." Then Moody got up and said, "Here, Gary, is a contract we've discussed." They held up this long piece of paper and started reading the contract with the money figures and everything on the telephone, and then he asked Gary if everything was all right, and Gary said, "Yes, have the thing typed up tomorrow, and I'll look it over again and sign it." Schiller could actually hear him say that.

Once Moody, Stanger, and Schiller had left, Gary said to Vern, "You know, I think that man knows what he's talking about. In your opinion, is he the right fellow?" Vern said, "Well, I don't know just exactly yet, but I think he is."

"What about Susskind?" asked Gary, and answered himself. "If he wants to talk, make him get on an airplane and come. He's probably got one," Gary said, and he nodded and added, "I feel like Mr. Schiller is the one. I like his way of doing business."

That Saturday night and Sunday morning, Schiller worked with Moody and Stanger doing the contracts, making the changes, bringing in the goddamned secretaries, working the fucking computer typewriters. The lawyers took off the morning from church and there was a lot of kidding about that. By the morning of the 28th,

1120

contracts were drawn, and Schiller, back in his motel, began to wait for the signing.

About then, Boaz called Susskind again, collect. He always called collect. Susskind said, "Don't you even have a phone of your own?" Dennis giggled. "No, look," said Susskind, "you've gone too far. I don't know what you've done, but you're out and other men are in. You have no more rights in this matter." "Oh, yes," said Boaz, "it can't be done without me."

std

"Oh," said Susskind, "it can, and it will. But it isn't going to be done by me. Don't call me again, collect or otherwise." "Listen," said Dennis, "maybe I'm no longer the lawyer in the case, but I have a few documents and I got" Susskind decided he was raving. "You are a poseur," he said, "and a liar and a very flaky man. I think you're dangerous and a very nasty person. Don't ever call me again, collect or otherwise." Things had certainly ended up on an extremely sour note, rancid.

5.

First, Moody and Stanger got a little rest, and then on Sunday afternoon they went up to the prison. Talking on the telephone across the hall, they went through the terms of the

12-70
1121

contract. Gary didn't want many changes and only objected to two points. One was that he refused to give anybody his power-of-attorney. "I'm going to participate in all decisions," he said. "That's fine," said Moody, and they didn't discuss any more than that.

It was when they came to the matter of having access to his letters that he became very angry. He scratched out the clause with his pen and wrote on the contract that nobody was to have access to the letters until he had spoken to Nicole about it. Only after such a conversation, would he give his consent. The attorneys tried to argue with him. "You don't have anything to say about it," Moody told him, "they're Nicole's letters now."

"Well, goddamnit," said Gary, "they are not going to be read until I give my consent."

All the while, Schiller was waiting in his room. All he knew was that Moody and Stanger had gone out to the prison in the late afternoon. He sat in his motel until three A.M. Monday morning, waiting for them to call. He even phoned the prison to discover they were not there. So, he called Moody's home and woke him up. They'd been back for hours. Home since 8:30 in the evening. It just hadn't occurred to them that he might be waiting. All the while he'd been going through

scenarios in his head. He saw them arguing with Gary for hour after hour. Nobody could have told the world how mad Schiller was at that point, and how relieved.

~~Big Jake came back to the tank with a large jar of instant coffee, a large jar of Tang, and a carton of Gibbs' brand of cigarettes, Viceroy Super Longs. He then told Gibbs that Gary had Vern Damico bring them down to the jail. And left a message: Geebs, all of a sudden, I've become rather rich--if you need anything, you just have to ask. Gibbs figured Gary had sold his life story to someone. He sat down and made a cup of Tang.~~

~~Boaz called Susskind one last time. It wasn't correct. "I told you," said Susskind, "I don't want to talk to you." Boaz said, "I got a whole new angle on this. I want to do my story." "Boaz," said Susskind, "you're crazy or worse." "No," said Dennis, "the real, great story is my own. It's a great story," Dennis repeated. "I've kept notes." "Please please," said Susskind, "go see Mr. Schiller. I'm sure he'd love to do it."~~

FROM Gilmore

The next letter Gibbs received had an index filing card in it:

On it, Gary had drawn up an invitation.

1123

BANG!

BANG!

A real live Shoot'em up!

Mrs. Bessie Gilmore of Milwaukie, Ore cordially invites
you to the execution of her son: Gary Mark Gilmore 36

Place: Utah State Prison. Draper, Utah

Time: Sunrise

EARPLUGS AND BULLETS WILL BE FURNISHED

With the card, came a letter.

I'm going to be giving away a lot of money shortly. Would
like to give you about (2000) two thousand. Please don't say
no. Accept it in the manner I give it to you, as a friend.
I might as well give some of my money to you, cause if I don't,
I'll just give it to someone else.

XI THE PARDON

1.

Deseret News

Gilmore Says, "Kill Me You Cowards"

Point of the Mountain, Utah, Nov. 28--Condemned killer Gary Gilmore has renewed his demand for execution, this time in a letter to the Utah Board of Pardons Members.

In a terse letter laced in places with obscenities, Gilmore said, "Let's do it, you cowards . . ."

Gilmore asked for immediate execution before a firing squad, "I do not seek or desire your clemency," he wrote, underscoring "not" three times.

Earl Dorius was into an awfully tricky matter about forced feeding and so had been under pressure all week. The prison wanted to know whether they should force Gilmore to eat. It certainly wasn't the easiest matter, legally speaking, to find a way for the prison to carry out its desire. Forced feeding was, as a general rule, considered similar to forced medication and since a U.S. Supreme Court decision in 1973 came down against any type of forced medication for treatment,

force, in general, had been replaced by the consent of the prisoner.

There were, however, three recognized exceptions. Earl once wrote a long and carefully researched letter to Warden Smith to tell him that a prison could use force if a patient was dangerous to himself or others, or when there was a compelling state interest, or, third exception, should he be mentally incapable of offering intelligent consent. The last would not apply to Gilmore, but, Earl wrote, "It could be argued that a self-imposed medical emergency has been created by Gilmore which threatens his life and justifies a reasonable physical intrusion." There were also compelling state interests. Utah's judicial processes had to be properly carried out. Prisons had an overriding interest in preserving order in their institutions. So they could not be a part of any suicide attempt. "It would be a serious abuse of discretion to allow an inmate to starve to death." On those grounds, in a situation that he felt was loaded with arguments on both sides, potentially a most tricky and knotty debate, Earl concluded that the prison physician had "the legal authority to order the force-feeding of Mr. Gilmore.

He contacted the press and some of the local news stations to tell them he was issuing the opinion about three in the

afternoon. He fully expected it would be the big Gilmore story of the day and frankly, he was looking forward to it. He had put in a lot of time on that letter. It had involved considerable research, and he felt he had attached good reasoning to that research, but then, darn it, Holbrook from the Salt Lake Tribune called that same afternoon to give an hour's notice: the Trib ~~was returning to Judge Ritter. Once more~~ the Trib was going to try for a temporary restraining order against the warden's decision to allow no interviews with Gilmore.

~~This time, it would be an open hearing for members of the press. Earl was frustrated. "I had fully intended to find more material than his good old fell vs. Procanica case."~~
~~However,~~ the force-feeding issue had taken up all his working hours, ~~and, in contrast,~~ while ~~the Trib came in well-prepared~~ had been ~~in a case~~ against the "no-interview" order. ~~The~~ ~~whereas he was there with nothing but~~ ~~opinions to shoot off in the same direction.~~ This time, Judge Ritter granted the temporary restraining order. It meant that the Tribune would be able to send a reporter out to interview Gary that evening.

2.

Schiller was down at the prison when the reporter came

1127

in. It came as a surprise to him. Schiller had entered earlier with a tape recorder under his coat. Once he got that heavy overcoat wrapped around him, he could practically hide a sub-machine gun inside, and this was just a small Sony. He had the wire he connected to the telephone earpiece running up from the breast pocket of his coat along the inside of his sleeve. When he started talking to Gary, he just slipped it out of his cuff, and over the earpiece. Nobody saw a thing.

He began by talking to Gary about the cover story in Newsweek. He figured he could learn a lot about Gilmore's interest in publicity by that route. So he mentioned a part of the Newsweek story that quoted several lines of poetry Gary had written and Schiller remarked that he thought they were pretty good. Gary laughed and said, "It's not mine. That's a poem by Shelley called 'The Sensitive Plant.' I'm in enough trouble without Shelley getting up out of the grave to sue me for plagiarism. Dammit, Schiller, that's real stupidity on the part of Newsweek. Anyone who recognizes the poem is going to think I was pretending to write it myself."

Later, Schiller thought he must have had some instinct he was not going to be able to talk to Gary much longer this day, because he did bring up a touchy subject even though it was

his principle to save difficult matters for the last of an interview on the obvious caution that there was no use cutting off an interview by an impertinent question until you had covered as much material as possible. Now, however--maybe because it irked him, and Schiller's temper was always, he knew, the last thing he could control--he found himself saying, "Why did you put that stipulation in the contract that I can't have the letters you've written to Nicole. She's in the hospital. You know I can't reach her."

"Schiller," said Gary, "that goddamned Dr. Woods is keeping me from calling her. He won't even let me write a letter. I've gone on a hunger strike to dramatize the fact that I'm being kept away from the one person in the world who I truly care about, and I put that clause into our contract, because I can see you're a go-getter, and you are going to get Woods, in one way or another, to let me communicate with Nicole. I don't care if you bribe him, but you tell that man I want to talk to Nicole, and I'm going to talk to Nicole, and until I do, you get no letters, okay? I'm putting the hook into you."

Just then the guards came in with the news. Gus Sorensen of the Salt Lake Tribune was right outside the prison gate with Judge ^{the} ~~Gilmore~~ order. The prison had to let him in to Gilmore. A rocket went off in Schiller's head, but he never

blinked. "All right," he said to Moody and Stanger. "Let Gary talk. Let him talk to the world. Our stance is that we are not here to watch a man die. We are here to understand him." He was thinking, before long, everybody will know that I've gotten the rights so I can use this as a necessary step to help our public posture. He walked down the hall to meet Sorensen right inside the sliding barred gate, and introduced himself, and first thing he said was, "Mr. Sorensen, I can tell Gilmore not to talk to you, but that's not my interest." No, it certainly wasn't. Schiller was not interested in alienating the Salt Lake Tribune.

Still, he wanted to avoid certain hazards. Obviously, the time had come to open Gary Gilmore up to the world press. If he kept trying to hold him exclusive, the press was going to fall on him like a wall. On the other hand, how could he know what Gilmore would give away. If ~~he~~ ^{Gilmore} decided to commit suicide, some casual interview could end up being Gary Gilmore's last words. Still, the chance had to be taken. Schiller was going to need the Tribune on his side, and Sorensen was considered the leading crime reporter in the State of Utah. He would be enormously useful for all kinds of background on the prison. Moreover, a pipeline into the biggest local paper was like having an electric amplifier on a guitar. You just carried a lot further. It was just a

matter of getting the right ground rules laid out in advance.

So he asked Sorensen to call his managing editor. He could even hear Sorensen on the phone saying, "This guy out here bought Gilmore's rights. He's not letting me talk unless he's there." All the while, Schiller was thinking, I may not have covered all the bases. That morning Schiller had delivered an ABC check for \$52,000 to Vern. If Gary felt like double-crossing him, there would not be much Schiller could do at this point. He was gambling that Gilmore was not some illogical nihilist who would throw over a situation for the sheer pleasure of throwing it over. In the meantime, he could hear Sorensen saying, "Well, I don't know. I've heard good things and bad about Schiller." Obviously, a neutral conversation. Schiller got on the phone to Sorensen's editor and said, "Look, I'm not interested in stopping the press or in bad public relations. I have no objection to Mr. Sorensen speaking to Gary. I just want, since we hold the rights, to make sure that your copyright to Mr. Sorensen's interview reverts back to us." That meant the editor had call the lawyer for the paper, and then call back. While that was going on, which Schiller knew would take a good twenty minutes, he spoke to Gary, and said, "Look, this can work out to our advantage. When you talk to Sorensen, I'll just sit there. Speak about every day problems, but don't

get into the murder. Talk about the prison the way it is here now, day to day, talk about your hunger strike. Anywhere along the line, if there is something I don't like, if I think you're giving away something that's of great value to you, I'll rub my chin. So long as I don't, it's perfectly okay to answer the question. Mainly, Gary, don't give too much about your personal life. That's what the world is interested in."

Now, they sat with Sorensen on the phone, and Schiller next to him. The only trouble was that Schiller couldn't hear what Gilmore was saying. After Sorensen asked a few questions, however, Schiller realized it was going to be no worry. Sorensen was a classic newspaper reporter. He wasn't looking for insight, or revealing passage of dialogue about Gary's inner life. He just wanted a few paragraphs, the headline writer back in the newsroom could clap a few intriguing words on. Besides, Schiller had the feeling he could trust Gary. The fellow was looking for his cues.

Sorensen did the interview in a half-hour, and then he and Schiller went out together through the two barred gates between the administration foyer and the prison itself. Out in the small cramped dirty lobby, now packed with reporters, the glass in the cases that housed the leather pocket-books and wallets and belts hand-tooled for sale by the convicts,

looked like they might shatter under the pressure of those bodies. There in those dingy walls, under the fluorescent lights, it seemed as if every fucking journalist in Salt Lake City was crammed into the damned place. They might have all been screaming at once. Sorensen, they knew, and Sorensen had just interviewed Gilmore. It might as well have been sexual. These journalists had one immense, collective hard on. "Who are you, who are you? some of them kept asking Schiller, and Gus Sorensen--Schiller could bless him--didn't say a word, which was certainly payment of loyalty right on the spot. Schiller, however, knew he was in trouble. There had to be people in the crowd who knew him. He could feel the whispers circulating, and finally, one reporter said, "Come on, Larry, you bought Gilmore's story, didn't you?" Schiller was trying to figure the angles. If he kept denying it, he would certainly be nailed. Journalists were not bright, but they had instincts when you got them cocked like hunting dogs.

The anger of these reporters was going to come down on him tomorrow if he denied everything today. They would look up his credentials, find out who he was connected to, start to call lawyers. In twenty-four hours, they would have the story. It looked like a toe dance was called for.

Schiller went into the dance. Dumbo the elephant, high

on his toes, he said to himself, and he side-stepped to the left and he side-stepped to the right. "What are you here for?" they asked, and he said, "I'm a consultant for estate affairs," and people who knew him among the journalists hooted. One of them shouted out, "Come on, Larry, you bought Gilmore's story, didn't you?"

He'd have to give some version of the truth, Schiller decided. Something vague and dull, not eminently printable. "Oh," he said finally, "I've acquired the rights for a potential motion picture." He hoped that was far enough over the horizon to hold them off and wouldn't link him with Boaz as somebody who was getting exclusive stories from Gilmore. But the moment he said it, the back of his head said, "You should have told them 'No comment.'" The computer in his head was ringing every alarm bell.

Deseret News

Carnival Atmosphere Surrounds Gilmore - Movie Deal Weighed

Nov. 29--In a circus-like atmosphere at the Utah State Prison, Monday night, the news media, lawyers, literary agents and movie producers milled about discussing

interviews, and movie and story deals.

3.

Dorius was outraged when he saw Schiller on TV that night. There were shots of Schiller coming out of the prison, and cameras moving in on him as he said he had acquired the rights to the film. Earl was so angry he called the place and gave one of the deputy wardens hell. "I've been working my fanny off," he said, "to keep the Tribune out. Here, you let a Hollywood producer in."

Now that ~~the~~ Judge Ritter had given his temporary restraining order to the prison, Earl saw nothing but endless, tedious cases ahead, one newspaper after another, TV stations, radio stations, ~~they would all be bringing in lawsuits, and by the~~ his end of the Attorney General's office would be left wallowing in repetitive legal actions. Ritter would probably open the prison to everybody who applied. Dorius could appeal each of his decisions to the next higher court, in this case, the Tenth Circuit in Denver, but getting litigation up to the next tier was time consuming. Filing ~~a normal appeal could~~ take as long as a year. ~~In the meantime,~~ reporters would be running rife through the prison and driving Sam Smith mad. ~~There was no telling what Gilmore would do once he found him~~

self in a situation where he could talk to any number of interviewers each day. It would be a hell of a note if everything had to depend on Gilmore's sense of responsibility to the prison. So, Ritter had to be stopped.

Dorius started asking in the Office if anybody had experience in overturning that judge in a hurry. He received the advice to petition for a writ of mandamus. A writ of mandamus would call for an immediate review by the Tenth Circuit Court.

Dorius wasn't the type to gulp, but filing a writ of mandamus against Judge Ritter was certainly where push came to shove.

It was equal to saying that Ritter, who doubtless prided himself on being the finest jurist in the state of Utah, Ritter, who had served on the bench with Judge Learned Hand, had in this case proved so ignorant of well-established principles of law that the only redress was exceptional: a writ of mandamus. In effect, Dorius would be suing the judge. That was one hell of a drastic move--a young lawyer like himself rebuking a Federal judge. Ritter might not be about to forgive him in a hurry. So, beginning to get that writ of mandamus together, made for one full end to Earl's working day.

~~Then he got home and saw Larry Schiller on TV. Immediately, he called the prison and said "Don't allow that man in there again." Right after came a call from Eric Mishana of that National Enquirer, and he was just as angry tonight as~~

that first time he had called from Florida back in November, and Mishara was saying, "Dorius, who the hell do you think you are? You told me I couldn't get an interview, and there is your local media getting in." Every implication in his voice that there was a hometown fix. Earl didn't swear very often, but he did now and slammed the phone down.

In their turn, Moody and Stanger were aghast at Larry's statement. "Well," said Moody, "Schiller just blew us out of the saddle." Those words "Hollywood producer" were going to taste their goose at the prison. It was very embarrassing.

~~Stanger said~~ "That son of a bitch double-crossed us," **Stanger** said. "He's more interested in getting his own story across." In their minds, they could virtually hear Sam Smith quizzing the guards, going back over Moody and Stanger's remarks about bringing Schiller in as an Estate Consultant. Those words were going to look bad held up next to Hollywood Producer.

During the Board of Pardons Hearing, Schiller wondered who the neat well-built little fellow with the trim mustache might be? He was so nice and politely dressed that he looked like a well-centered young prep school instructor, a respec-

table package tied with the right string. Who might he actually be? The fellow kept glaring at him.

He was the kind of well-placed establishment fellow, a lawyer no doubt, or a young Utah bureaucrat, who didn't glare often but when he did, liquid fire, watch it, was coming out. Schiller shrugged. He was used to people blasting him with their personal heat. He sighed heavily. At times like that, his fat felt comfortable to Schiller--one more layer of asbestos against the flames.

Still the fellow disliked him so much, Schiller had to ask a number of people who he was. It took several newsmen before one could say, "That's Earl Dorius, 'Attorney-General's Office.'" Later, Schiller saw him talking to Sam Smith, and that was another sight. Sam Smith may have been ten inches taller than Dorius.

Schiller was finding the prison more and more difficult to understand. First they wanted no publicity and now the prison was holding the Board of Pardons Hearing, right in one of those dingy rooms off the main hallway of the administration building, and the press had been invited. That was like throwing a little meat to a lot of lions. There were TV cameras, microphones, still cameramen, flash bulbs, lights

on tripods, overhead lights on stands. It was the perfect definition of a circus. It was the hottest room he had been in for a long time.

Everybody was standing on their seats to get a better look as they brought Gilmore through the door, trudging slowly in his leg shackles, as if in time to a funeral march. It was like a movie Schiller once saw about the Middle Ages. They brought a fellow in a white smock out to be burned at the stake. Here, Gilmore was wearing white pants and a long white shirt, but the garments were loose. He looked like a saint.

Schiller was changing his mind about Gilmore's looks once again. His looks, actually, were startling. It was as if Gilmore could take off one mask, hang it on the wall, pick up another. Today he did not look like a janitor, nor an encyclopedia salesman, nor an ice-cold killer. He looked pale, and the pits in his face showed, and the scars. He was good looking, but frail, eaten away at. He didn't look like Bob Mitchum now, nor Gary Cooper nor the Fonz when he got a sardonic expression. Today he looked like Robert Deniro. No question. The same deadness coming off. The

same strength in back of the deadness.

~~All around him, TV men from CBS and NBC were talking, and Schiller was not comfortable with how much they despised Gilmore. They were talking about him as if he were some low jailhouse lawyer who knew enough tricks to get him this far. Sooner or later, they were saying, he was going to get stomped. He heard one fellow from the local press mutter to another, "Can you believe the attention this cheap punk is getting."~~

~~It was really an unpleasant occasion. The head of the Hardons Board, George Latimer, had been the defense attorney for Lieutenant Calley when he went to trial for machine-gunning the Vietnamese villagers at Mai Lai, and to Schiller, Latimer looked like one of those red-faced Mormon men with a big bulldog face and eyeglasses, a pompous self-satisfied caustic piece of work. Fever and bilious emotions. What a room. The only pleasant face right now, oddly enough, was Stanger. Schiller didn't know if he was going to get along with Stanger, who impressed him as too lippy on one side, and too casual about important details on the other, but right now Stanger's middle-aged boyish fraternity clown's face was full of expression. He was acting very solicitous toward Gary.~~

~~Stanger was, in fact, enjoying it. Up to that point,~~

~~is injected with novacaine, and Schiller also became aware of his ears. They were large and open and somehow reminded Schiller of old-fashioned air raid sirens from World War II movies, always scanning the heavens. Gilmore must have extraordinary hearing, thought Schiller.~~

Gilmore sat with Ron Stanger at one end of a long conference table, ^{when the} and ~~from the length of it on one side were~~ four men who all looked to be Mormons to Schiller, all wearing glasses. A blue flag, probably the flag of the State of Utah, stood directly behind a man who was wearing a blue suit with a white shirt and a bright blue and white tie. Through the first ten minutes of the proceeding, while the television cameras were settling in, and the chairman was making his comments, and verifying certain technical points of the Board's proceedings, a dull ten minutes to be certain, Schiller was taking in as much detail as he could remember. It was history, he kept saying to himself, but he was bored until the chairman told Gilmore that he had the floor, and could say what he liked on his own behalf. ³ ~~That was when Gary Gilmore began to impress Larry Schiller. If it weren't for the white prison uniform of Maximum Security, Gilmore now could have looked like a graduate student going up for his orals before a faculty of whom he was slightly contemptuous.~~ Gary began by saying, "I am wondering. Your Board dispenses privilege,

start

end

and I have always thought that privileges were sought, desired, earned and deserved, and I seek nothing from you, don't desire anything from you, haven't earned anything and I don't deserve anything either."

Everybody in that crowded, steaming, incandescent room was fixed on him. Even the whirring of the television cameras was fixed on him, as if he drew all eyes, all lenses, all sounds. Schiller was now twice impressed with Gilmore's presence as an actor. It was because he did not arise to this occasion like a great ham actor might, but instead chose to be oblivious to the occasion. He was merely there to express his idea. Gilmore spoke in the absolute confidence of his idea, spoke in the same quiet, firm tone of voice he might have employed if talking to only one man. So it became the kind of acting that was most impressive of all, the kind that makes you forget you are in a theater.

~~What an actor this fellow would have made, thought Schiller, what a great movie actor, and was filled with misery and elation at the thought of how on the one hand he had the rights to this fellow's life, but also had to swallow the misery, that the right to visit Gary was cut off, and from now on he would have to ask his questions through intermediaries.~~

Gilmore went on. They all listened:

GILMORE: I had come to the conclusion that because of Utah's Governor Rampton, I was here, because he bowed to whatever pressures were on him.

I had personally decided he was a moral coward for doing it. I simply accepted the sentence that was given to me. I have accepted sentences all my life. I didn't know I had a choice in the matter.

When I did accept it, everybody jumped up and wanted to argue with me. It seems that the people, especially the people of Utah, they want the death penalty but they don't want executions and when it became a reality they might have to carry one out, well, they started backing off on it.

Well, I took them literal and serious when they sentenced me to death just as if they had sentenced me to ten years or 30 days in the county jail or something. I thought you were supposed to take them serious. I didn't know it was a joke.

Ms. Shirley Pedler of the ACLU wants to get in on the act but they always want to get in on the act, the ACLU. I don't think they have really ever done anything effective in their lives. I would like them all, including that group of reverends and rabbis from Salt Lake City to just butt out--this is my life and my death. It's by courts that I die and I accept that.

As far as seeking anything from you, I didn't. I think, I would like to reiterate, that I probably don't deserve it, either. I would like to reserve an opportunity to speak later. I may want to rebut something somebody says but that's about all I have to say right now.

CHAIRMAN: I do not believe the Governor sent it to us because he was feeling the pressure. I think the Governor sent it pursuant to the Constitution of Utah which says a Governor cannot consider a pardon. All he can do is to send it to the Board of Pardons for a regular hearing. That's why we're here.

Now, in spite of what you may think about us, you can rest assured that we are not cowards, and you can rest assured that we are going to

decide this case on the statutes of the State of Utah and not on your desires.

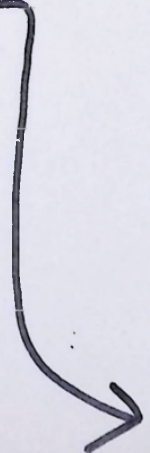
6.

CHAIRMAN: Is Richard Giaque out there?

We are going ahead with people who have asked to speak.

Richard, we have received from you a brief, and by the way, I commend you for it, it's a nicely written brief. I may disagree with some of your concepts but anyway, it was nice in the way it was presented.

At this point, Schiller watched a slim, blond man with a prominent nose, rather small chin and a look of considerable elegance, stand up to make a few remarks. He carried himself with the superiority of knowing he was probably more intelligent than nearly anyone he talked to. Perhaps, for this reason, he never looked once at Gilmore. Gilmore, in turn, stared at him with considerable intensity. Schiller assumed the man had to be a lawyer for the ACLU, and made a mental note that he would interview him when the time came. ~~Then the movie. Schiller saw a nice contrast with Gilmore, so much at home with his prison clothes. Giaque so dapper in his gabardine suit. He was so slim and precise that Schiller could feel the basis of Gilmore's man from the~~



~~her side of the tracks talking about him.~~

~~Schiller was virtually perspiring under his beard for the~~
~~future possibilities of all this.~~ → Right after the hearing,

in fact, he got ahold of the brief that the Chairman, Latimer,
 had said was nicely written, and he took out a piece for
 future use:

Allowing a defendant to waive judicial review
 . . . of a death sentence . . . is tantamount
 to committing suicide. The Talmud, Aristotle,
 Augustine, and Aquinas all characterize sui-
 cide as a grievous private and public wrong.
 At common law, suicide was held as a felony,
 and was attended by forfeiture of property and
 burial on the highway . . . A criminal defen-
 dant such as Gilmore, who declines to pursue
 legal proceedings which could save his life is,
 in fact, choosing to commit suicide, and the
 overwhelming majority of psychiatric opinion
 regards the impulse to suicide as a form of
 mental illness.

~~CHAIRMAN: I have read this brief, with some 15 intro-~~
~~ductions. I have read it very carefully, and I have~~
~~written a few comments, and if you don't have~~
~~anything else, we will just admit this.~~

GIAQUE: Mr. Chairman, I would like to make a very
 brief comment here that goes to the power of the
 Board. We are asking that the Board continue the
 present stay of execution, until such time as the
 questions that we do not believe you can decide,
 have been decided by a court.

You don't even have the trial transcript before
 you. As I understand it, it has not even been
 transcribed, and there are some serious questions
 here about how the jury was selected.

I do think society has an interest in this
 wholly apart from Mr. Gilmore's wishes. I do

think that there are some facts here that ought to be looked into. One of them is whether or not he has voluntarily waived his legal rights, or whether or not he is asking the state merely to become an accomplice . . . It is not Mr. Gilmore's desire that is paramount here and I would merely ask, Mr. Chairman, . . . that the decision to utilize the death sentence not be made by Mr. Gilmore and not be made by this Board, but . . . be resolved by the courts.

CHAIRMAN: Well, I am going to answer you . . . We are not going to continue this case to wait for somebody else to decide what the law may and may not be . . . We are here to see that the case does not continue forever, and back up everybody, and the State of Utah, on the capital punishment laws. From my personal standpoint, I would not favor a continuance.

~~A little while after came the first break in the hearing. Gilmore was led out, and the members of the Board of Pardons quit the room, but few among the public gave up their positions. In fact, they looked to better when~~

~~Under those circumstances, Dorius met Schiller. It was under the worst of circumstances. By then, Dorius was close to flying into a rage, as close as he ever got. He still hadn't prepared his Writ of Mandamus to the Tenth Circuit Court and here he was losing an entire morning at this Board of Pardons Hearing and that was being conducted in the worst possible fashion. He couldn't understand how Sam Smith had ever allowed~~

~~the media, one writer. It was crazy the way everyone had
jumped in. Still, Earl was impressed with one thing. It was
actually possible this fellow Gilmore was not for show.~~

7.

Out at Utah State Hospital, John Woods and a lot of the staff were watching the Board of Pardons hearing. One of his assistants came up to Woods and said, "Gilmore looks more sane than anybody in that room," and Woods said, "I agree." Woods sat there, thinking, "This is the depths. This is pornographic." Later, they got into a discussion whether shooting or hanging was best, and Woods said, "Both full of shit. If they're going to do away with a man, give him a heavy dose of pentathol and let him go to sleep. Why in hell do they have to pump him full of lead, or jerk his head off?" That got the discussion over to blood atonement. Brigham Young had said that for certain crimes the blood of no other animal could suffice for sacrifice. It must be the blood of the criminal himself. And Woods was a converted Mormon and had converted in college precisely because he admired the way Mormons could get the work out and he wanted to become serious at that time, and get away from football, and into his biochemistry major and had taken on Mormonism as a rational, even a technological way, of making an effective machine out of your life, and now

(1147)

he was discovering all these goddamned primitive roots in his adopted religion. The case was getting really offensive to him.

At the County Jail, they let Gibbs out for a little while to the front office to watch the hearing together with some cops and jailers who were all glued to the TV set. Gibbs thought it was one hell of a soap opera. When Gary told the court they were cowards, Gibbs started laughing out loud. The cops and jailers gave him a funny look.

Gary won the hearing at the Board of Pardons by a vote of 3-2. On TV they said the likelihood was that his execution would be set for December 6th, in order to come in under the sixty day rule from his first being sentenced on October 7th. Gibbs thought, Gary Gilmore may only be on earth another week.

Deseret News

Utah Action Horrifies Coalition

Salt Lake, Nov. 30--The National Coalition against the death penalty, an association of more than 40 national, religious, legal, minority, political and professional organizations, issued a strong statement late Tuesday in regret over the action of the Utah Pardon Board in permitting the execution of murderer Gary Gilmore to proceed . . .

"This makes possible the first court-sanctioned homicide in the U.S. in 10 years" the statement noted . . .

Organizations participating in the coalition include the ACLU, the American Ethical Union, The American Friends Service Committee, The American Ortho-Psychiatric Association, The Central Conference of American Rabbis, and others.